

Doc 44805A

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CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
RAYMOND L. FLYNN

September 25, 1986

Robert L. Farrell
Chairman
Boston Redevelopment Authority
City Hall
Boston, MA 02201

Dear Mr. Farrell:

Development in downtown Boston has been a very exclusive club of high and mighty buildings built by and for the high and mighty. But, under Parcel-to-Parcel Linkage, the concept for which has been developed with tremendous cooperation from the BRA, we would have the opportunity to throw open the door to that "club." And on the other side of the threshold lies a new era of opportunity for the diverse neighborhoods of this city.

Boston is faced with a paradox. As growth has taken off downtown, many neighborhoods have been left behind. Investment in commercial real estate is climbing. Over \$7 billion was invested in Boston over the past nine years. The City has approved \$3 billion in private, downtown development projects since 1984. Yet, at the same time, we find that as much as 20 percent of the city's population lives in poverty. The numbers get worse when you examine black, Hispanic, and Asian populations separately.

Clearly, too many Boston neighborhoods have been left behind by growth. They have been cut off by gaps of income and opportunity. In the case of Asian, black, and Hispanic residents, we find an especially slim record of ownership, management, design, or operation of downtown buildings. Like most other Boston residents, people from these groups have not benefited from growth.

Our job, in response to these conditions, is to build bridges of opportunity that connect neighborhoods with the surging economy of the downtown, and link neighborhoods with one another. That is the mission of Parcel to Parcel Linkage. In the instant case, our initiative would link Chinatown, Roxbury, and the South End with downtown, while at the same time linking the neighborhoods with one another. Parcel to Parcel Linkage gives us the engine with which we can push economic opportunity out into the neighborhoods along established commercial corridors. These corridors form the physical supports for our bridge-building efforts.

Chairman Farrell
September 25, 1986
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Important support from Governor Dukakis and his Administration has enabled us to use the Parcel 18+ land to complete the linkage design in this case.

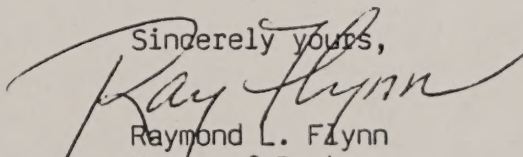
Today, the BRA is asked to adopt a precedent setting resolution that would establish the Parcel to Parcel Linkage program and would give us the means to guarantee significant neighborhood participation in a downtown development. In the instant case, it would guarantee a level of minority participation never before achieved in a downtown development. The Authority is also requested to recommend to City and State governments the Request for Qualifications that would invite minority developers to come forward with proposals, and would solicit minority business enterprises to submit letters of interest and qualifications. The list formed by these responses would help to ensure that the jobs and contracts associated with planning and building the projects go to minority businesses who have not had an opportunity to benefit in the development economy. It would have the effect of encouraging other developers to employ minority businesses in subsequent development projects.

With Parcel to Parcel Linkage we can help to firm up the bridges and to firm up residents' faith in their city. One sign of this renewed faith occurred last week when a group of Asian, black, and Hispanic entrepreneurs formed the Columbia Plaza Associates in response to the Parcel to Parcel program.

I invite you to join in this pioneering program. Oriented by our belief in economic justice, we can serve as guides, pointing the way to, and across, these new-built bridges of opportunity.

Thank you in advance for your consideration of these important issues.

Sincerely yours,



Raymond L. Flynn
Mayor of Boston

cc: Joseph J. Walsh
James K. Flaherty
Clarence L. Jones
Michael F. Donlan

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
REGARDING DISPOSITION POLICIES FOR THE KINGSTON-BEDFORD
GARAGE, ESSEX STREET LOT, AND PARCEL 18

1. THE UNDERREPRESENTATION OF MINORITIES IN
PREDOMINATELY PRIVATELY FINANCED GROWTH
ECONOMY

WHEREAS, for many years Boston hosted a "no growth" economy, based primarily in the manufacturing sectors. This "no growth" economy lacked the economic power to improve the conditions of the city's poorest residents. Since its transformation into a thriving services economy, the Boston economy can only be characterized as one of rapid growth. Over \$7 billion was invested in Boston over the last nine years. In addition, the city has approved \$3 billion in private downtown development projects since mid-1984; employment growth has followed quickly behind capital investment. Employment in the financial, insurance, educational, medical, and business and professional sectors in the city has grown 26% since 1976. Yet the vast majority of these jobs, and the other economic benefits generated by this growth, have not directly reached Boston's low and moderate income residents, and in particular, the city's minority residents. In fact, poverty is on the rise in this city of prosperity.

At 21%, the share of Boston's population living in poverty in 1984 was 50% higher than the national average. Of the city's 16 neighborhoods, six had poverty rates above 27%. Minority residents are much more likely to have poverty-level incomes. Last year, half of all Hispanics, 40% of Asian residents, and 28% of black residents had income below the poverty line compared to 13% of white residents. Based on its own analysis of federal,

state, municipal and private reporting data, and based on an extensive household survey of Boston in 1985, the Authority finds the following conditions affecting minorities in Boston.

- o Minority Employment Lowest in Downtown Economy. As a regional economic center, Boston provides employment opportunities for over 583,000 workers. In the last nine years, Boston has added 83,000 new jobs; another 10,000 are expected to be generated in 1986. The 2.2 square mile area of downtown enjoys the vast majority of all new real estate development and business activity while many neighborhoods receive little investment. Moreover, both the number and proportion of Boston jobs held by residents have fallen sharply over the past 25 years: down from 235,000 (44%) in 1960 to 181,500 (31%) in 1985. A recent BRA study indicates that residents' share of downtown office jobs has dropped further. The share of minority resident workers employed downtown is even lower, at 16%.
- o Median Income and Wages Lower for Minorities. Although the level of per capita income in Boston remains relatively lower, its growth rate outpaced those of the metropolitan area, the Commonwealth, and New England between 1982 and 1984. Average annual wages have been consistently higher in the city than in the metropolitan area and the Commonwealth each year between 1980 and 1984. Yet, due to the larger share of commuters holding professional jobs, Boston's resident per capita income is significantly lower than that for the suburbs. Among city residents, median income for white households is \$22,543, compared to only \$13,699 for minority households.
- o Unemployment Rate Drops but Remains Significantly Higher for Minorities. Boston's employment has grown in recent years, to a high of 583,000 in 1985, reflecting the city's specialization in the broad range of services-based industries, the fastest-growing sectors of the national economy. Downtown employment at 280,000 increased by over 18,000 (6.3%) in 1982-85, accounting for almost 60% of total job growth in the city. Business and professional services generated more than half of the new jobs. Jobs in the city grew by 83,000 from 1976 through 1985, including 35,000 alone in the last three years. Unemployment rates have fallen from a Boston high of 12.8% in 1975 to 4.6% by 1986, over 2.5 points lower than the national rate. The unemployment rate for minorities, however, is as high as 10%, compared to only 3% for whites.
- o Low Minority Participation in the Growth Economy. Over the past 15 years, minorities have represented a growing share of Boston's residents: from 18% in 1970, to 34% of the city's current population. Black residents constitute 23% of Boston's total population, Hispanic residents 7%, and Asian residents 4%. Minorities are expected to constitute up to 40% of the Boston population by 2000.

In general, Boston's minority residents do not participate in business to a degree consistent with the minority share of the population. Although the number of black-owned enterprises more than doubled from 1977 to 1982, the number of black-owned firms with paid employees decreased.

Only 123, 10%, of the Black-owned businesses in Boston had paid employees in 1982; 90% of Black-owned businesses were individual enterprises. Black-owned firms with paid employees accounted for less than 1% of the total business establishments in Boston, far below the 23% share of the city population accounted for by Blacks. Furthermore, Black firms averaged six employees per firm, compared to the city average of 24 employees per establishment. The enormous growth in development has not given rise to opportunities for minority professionals.

- o No Evidence of Minority Participation in Equity in the Development Economy. Downtown Boston has experienced unprecedented growth, yet numerous studies and reports indicate that minority developers and business enterprises have not participated in or been benefitted by major development projects in Boston to any significant extent. There is no record of significant minority involvement in the ownership, management, design, or operation of downtown buildings. In a comprehensive report entitled The Emerging Black Community of Boston (Institute for the Study of Black Culture, University of Massachusetts at Boston, October, 1985), the authors' examination of statistical data, studies, and interviews with minority developers and businessmen lead them to conclude that:
 - "No black developer has a hand in shaping the new physical form the city is taking."
 - "No large black business has emerged in the city's economic renaissance."
 - "Blacks are often victims of discrimination with respect to job opportunities in Boston."

The study also states that Blacks are excluded from the boards of directors of literally all of the city's most powerful businesses and institutions, and from executive managerial and administrative positions. A study by the Authority entitled Indicators of Minority Participation in Boston's Growing Economy (September 1986) confirms that, in 1985, Whites held 80% of such jobs while Blacks held 12%, Asians 5%, and Hispanics 4%. The significance of this imbalance is not only that professional/technical/managerial jobs are higher paying, but that these job categories are expected to account for 37% of the total job growth between 1985 and 1990. Similarly, minorities held a disproportionately small share of jobs in the construction sector, one of the fastest growing sectors in the Boston area. Of construction jobs held by Boston residents in 1985, only 11% were held by Blacks, 8% by Hispanics, and less than 1% by Asians.

- o Strong Economic Outlook Provides Opportunity to Remedy Underrepresentation of Minorities. Projections of Boston job and economic growth over the next 10 to 20 years by local and national sources reveal a continuing economic resurgence. Boston's employment is forecast to grow at an annual pace of 10,000 jobs through 1995 with an estimated faster increase for areas outside of the downtown core. Services and finance will remain the leaders but some newer growth in manufacturing, construction, and retailing is expected.

Boston's bright economic picture is underscored by national projections of regional growth. The Department of Commerce ranks metropolitan Boston to have the third best job growth of the 30 largest metro areas in the nation to the year 2000, while the National Planning Association rates metro Boston as number two, following Los Angeles. The City of Boston has a good opportunity to improve the economic standing of its residents, especially minorities, and its neighborhoods over the next few decades, if access is provided to the predominately privately financed growth economy.

Based upon past experience, the information it has gathered, and extensive working relations with private development groups, the Authority finds that absent a special effort to provide access for minorities to the development economy, the capacity and opportunity to do so will most likely be denied. Further, the Authority finds that absent the opportunity to participate in all aspects of the growth economy deprives minorities of the chance to reverse the rising tide of poverty in minority communities.

2. THE UNDERREPRESENTATION OF MINORITIES IN
THE PRIVATE DEVELOPMENT ECONOMY AND THE
NEED FOR AN AFFIRMATIVE ACTION REMEDY

WHEREAS, the Authority, in its capacity as an urban renewal agency and in its capacity as the planning board of the City of Boston, regulates the private development economy through recommendations to the Zoning Commission on zoning matters, through recommendations to the Board of Appeal on applications for zoning relief, through its land use planning responsibilities, through the urban renewal process set out in M.G.L. Chapter 121A and 121B, through the design and environmental review process, and through its other responsibilities. Based on its extensive knowledge of the private real estate economy, the Authority finds that an underrepresentation of minority developers exists in the development of a large commercial real estate projects in the City of Boston. The Authority's records show that in the projects approved in two recent reports, entitled "Downtown Projects" and "Downtown

Projects II", there has not been a single minority developer engaged in the private development of large commercial projects in the City of Boston. These two reports recommend the approval of sixteen large-scale projects with a total development value of over \$1,556 million. The Authority takes note of the extensive reports and other data contained in the domain of the Authority which show that minorities are underrepresented in development activities relating to large-scale commercial projects in the City of Boston. The Authority finds that the exclusion of minorities from the development of large-scale commercial office buildings acts to restrict the number and diversity of market participants, and thereby, adversely affects the quality of development in Boston; and further, that such exclusion shows no immediate signs of being reversed without affirmative action being employed; and further, that affirmative action is required to build the capacity of minority developers to compete effectively in the market economy free from affirmative action measures.

3. THE BRA'S AUTHORITY TO DEVELOP DISPOSITION
POLICIES FOR FIVE MUNICIPAL GARAGES; THE
LACK OF MINORITY PARTICIPATION IN THIS
ECONOMIC DEVELOPMENT PROGRAM

WHEREAS, the Public Facilities Commission (PFC), in accordance with Chapter 190 of the Acts and Resolves of 1982, is authorized to dispose of any and all city-owned off-street parking structures, including the real estate related thereto, as surplus property; and whereas on November 16, 1982, in accordance with §3(f) of said Chapter 190, the PFC delegated to the BRA the authority to study and establish goals and criteria for the disposition and future development of five municipal parking facilities in Boston: Government Center Garage, St. James Avenue Garage, Kilby Street Garage, Fort Hill

Square Garage, and Kingston-Bedford Garage. In 1983, a program was initiated to dispose of the garages. As of this date, all but the Kingston-Bedford Garage have been approved for redevelopment following the Authority's solicitation of development interest from developers and recommendations to the City of Boston Real Property Department and Public Facilities Commission concerning the tentative and final designations of developers. In the course of soliciting private development interests in those four garages, the Authority published requests for proposals (RFPs), which set out development guidelines and other criteria. No public financing was offered for subsequent development. These RFPs were responded to and development proposals were submitted to the Authority for each garage from prospective developers. Developers were then selected to redevelop each garage site; the resulting developments will total \$843 million dollars. The Authority finds that minority developers were underrepresented in these projects, as none of the projects provided minority developer equity. In view of current city policy to solicit development proposals from a wide range of developers, the Authority further finds that an affirmative action development program for Kingston-Bedford garage, and those parcels related to the garage through the Parcel to Parcel Linkage Program, is necessary to remedy the underrepresentation of minority developers in the garage disposition program. The Authority further finds that it bears the responsibility to adopt and implement such an affirmative action plan since it acts as development agent to the city, and with respect to Parcel 18, as development agent to the city and the state, and since it obtains its expertise in development matters through its role as the city's urban renewal authority pursuant to M.G.L. c. 121B, as the State Housing Board in connection with the administration of projects pursuant to M.G.L. c. 121A, and as the planning board for the city of Boston pursuant to M.G.L. c. 41 § 70.

The Authority also takes notice of the very significant development opportunity that arises from the right to redevelop a downtown garage, and concludes that requiring minority participation in subsequent redevelopment is necessary to remedy the exclusion of minorities from the predominately private development economy.

4. THE EXCLUSION OF MINORITIES FROM PARTICIPATION
IN ECONOMIC AND DEVELOPMENT OPPORTUNITIES
AND GOVERNMENTAL REMEDIES

WHEREAS, minorities are underrepresented in the attainment of economic and development opportunities in the City of Boston, the State of Massachusetts, and the United States, and whereas governmental entities have recognized and sought to redress this inequity through the enactment of various laws and executive orders, including but not limited to the following:

- o Mayoral Executive Order of June 28, 1978, entitled "Encouraging Minority Business Enterprise," which Order is designed to assure the participation of Minority Business Enterprises in the City's contracting process, and which requires a ten percent (10%) set-aside of the value of all construction, goods, and services procured by the City during each fiscal year, and requires further a thirty percent (30%) set-aside of same in "impact areas;"
- o Municipal Law, Chapter 30, Ordinances of 1983, entitled "The Boston Residents Jobs Policy," which Order states that Black, Hispanic, Asian and native American residents of the City of Boston have historically been systematically excluded from the construction trades and unions in the City of Boston, and which requires that twenty-five percent (25%) of the total employee manhours on any construction project funded in whole or in part by city funds shall be by minorities;
- o Mayoral Executive Order of July 12, 1985, entitled "Extending the Boston Residents Job Policy," which Order states that the exclusion of minorities from the construction trades and unions in the City of Boston is still prevalent, and that such exclusion can and does exacerbate racial tensions as a result of the competition for scarce construction jobs, and which requires that twenty-five percent (25%) of the total employee workhours on any private project or substantial rehabilitation project shall be by minorities;
- o Boston City Council Order of January 30, 1985, entitled "Development Guidelines for the Dudley Square Development District," which orders that the development guidelines for all parcels within the District include equity participation by community organizations and minority entrepreneurs;

- o City Ordinance of 1986 entitled, "The Boston Employment Commission," which order establishes a body that is uniquely suited to encourage and foster the progress of Boston residents in securing construction jobs and permanent employment in the surging downtown economy. The Boston Employment Commission has the authority to require developers of Covered Projects to submit: (i) detailed plans that show how the developer intends to meet the Boston Resident Construction Jobs Standards; and (ii) detailed plans that show how the developer intends to meet MBE/WBE goals contained in City contracts or that arise from city, state, or federal laws, regulations, or policies.
- o State Executive Order 237, issued March 19, 1984, entitled "Minority Business Development," which Order states that it is based on the fact that Minority Business Enterprises frequently face inordinate problems in achieving viable economic status, and which provides that each executive office, agency, department, board and commission must award at least ten percent (10%) of the total value of construction projects let by it in each fiscal year to minority Business Enterprises, and at least five percent (5%) of the total value of contracts for supplies and services to Minority Business Enterprises;
- o Regulations of the Department of Housing and Urban Development pertaining to Urban Development Action Grant (UDAG) eligibility, such as 24 CFR § 570.459, which regulation provides for Minority Job Participation in UDAG projects, including participation as equity investors, owners or rehabilitators of property, prime or subcontractors during development, and vendors and suppliers of goods and services, and 24 CFR § 135.1(a), which regulation requires that opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of the project.

The Authority finds that all of the above-mentioned city, state, and federal actions, ordinances, and executive orders cited herein establish a backdrop of public policy and a rational basis which allows the Authority to be definitively aware of the widely recognized problems that face minorities in Boston and the State in the fields of government contracting, construction employment, procurement, and employment in the downtown economy. The Authority finds therefrom that: (1) the underrepresentation of minorities in jobs, contracting, procurement, and the like, found by other governmental bodies establishes a strong presumption that such underrepresentation exists in the development of large-scale commercial real estate projects; (2) the governmental actions taken to date to remedy the underrepresentation of

minorities create the presumption that a 30% minority set-aside goal is a reasonable remedial action in Boston where the minority population is 34%; and (3) the existing body of law and remedial actions clearly establishes that a remedial affirmative action program to foster minority equity in a large-scale real estate project is consistent with MBE programs and city, state and federal governmental policies. The Authority therefore finds that it is reasonable and proper for the Authority and other city and state agencies to propose an affirmative action remedy to increase economic opportunity for minorities in the predominately privately financed downtown development economy by establishing a pilot program for the disposition and subsequent redevelopment of the Kingston-Bedford Garage, the Essex Street lot and other related parcels, and Parcel 18 in Roxbury. The Authority therefore resolves as expressed below in section 7.

5. THE REQUIREMENTS OF LAW TO ESTABLISH
AN AFFIRMATIVE ACTION PROGRAM

WHEREAS, the courts of the United States have recognized and approved affirmative action set-aside programs which come within narrowly-defined parameters; and whereas the parcel to parcel linkage program for the development of the Kingston-Bedford/Parcel 18 project represents an affirmative action set-aside program, the Authority hereby takes due notice of the legal requisites for promulgating such a program:

- o The governmental body adopting the plan must have the authority to choose such a remedy: The Authority is clearly an entity competent to adopt and implement an affirmative action plan. The Authority acts as a redevelopment authority pursuant to M.G.L. c.121B; as the State Housing Board in connection with the administration of urban renewal projects pursuant to M.G.L. c.121A; and as the Planning Board of the City of Boston pursuant to M.G.L. c.41, s.70. Moreover, in the case of the Parcel 18 Project, the Authority is explicitly authorized by agreement to act as the agent for the Commonwealth of Massachusetts, the City of Boston, and the MBTA, to create and implement a plan for the development of that parcel of land. (Agreement of July 31, 1985.)

- o The Plan must have a valid remedial aim, designed to eliminate the effects of past discrimination: The Authority has herein referenced numerous studies, reports and statistical data, collected and compiled by the Authority in its role as the Planning Board of the City of Boston, and has herein determined that this program is necessary to remedy the exclusion and underrepresentation of minorities at all levels of the development process, and to enable minorities to share in the economic benefits of the sale of a city asset.
- o The plan must be narrowly tailored to its remedial aim: The Kingston-Bedford/Parcel 18 set-aside plan is a demonstration program, and as such it is necessarily of finite duration and scope. As a thirty (30%) percent/seventy (70%) percent minority/majority joint venture, the plan's effects on the non-minority population would be deemed minimal under existing judicial standards. This demonstration program, as specified further herein, also requires that any minority business designated as a developer on this project have specified capital and capacity to meet the proposed set-aside. The program therefore responds to businesses which are already able to meet these requirements, and who can thereby share in previously curtailed opportunities.

6. THE BRA IS THE AGENCY LEGALLY COMPETENT TO DETERMINE THE NEED FOR AFFIRMATIVE ACTION REMEDIES AND IS AUTHORIZED BY LAW TO ACT AS AN AGENT TO CARRY-OUT THIS PURPOSE

WHEREAS, the Authority is the Planning Board for the City of Boston, pursuant to M.G.L. c.41, ss.70-72. Its duties include studying the resources and the needs of the City, and making plans for its future development. In addition, the Ordinances of Boston, 1952, c.9, s.3, calls for the Planning Board of Boston to make studies of resources and needs of the City, to review and recommend City planning policy and to encourage and promote the orderly development of the City by consultation, cooperation and liaison with public and private groups. See, Simonian v. Boston Redevelopment Authority, 174 N.E.2d 429 431 (1961).

The Authority has a staff of approximately 300 persons, 20 of whom work in the area of research and 35 of whom function as city planners. The Authority regularly conducts studies on all phases of the economy of the City of Boston and on how past and future development will impact on the lives of

the citizens of Boston. The Authority prepares numerous reports annually to carry out this responsibility, and has generated extensive expertise in all areas relating to development in Boston in the twenty-six years of its existence.

The Authority also is the agency in Boston charged with the responsibility for determining if and where urban renewal projects should be undertaken pursuant to M.G.L. c.121A and for M.G.L. c.121B. Under either statutory mandate it is the Authority which has the dual charge of being knowledgeable as to the economic realities of the Boston economy and the impact of proposed urban renewal projects in the public interest.

Aside from its authority to acquire and dispose of its own land, the Authority also has the legal capacity to act as agent for the Public Facilities Department of the City of Boston for disposition of land pursuant to St.1966, c.642, s.3(F)(ii) and s.12. See, Boston Preservation Alliance, Inc. v. Secretary of Environmental Affairs, 369 Mass. 489, 487 N.E.2d 197, 202 (1986). On November 16, 1982, the Public Facilities Department voted to delegate to the BRA the authority to study and establish goals and criteria for the disposition and future development of five municipal parking properties in Boston, including the Kingston-Bedford garage.

For these reasons, the Authority has been specifically designated by agreement of the Authority, the Parcel 18 Task Force, Michael Dukakis, Governor of this Commonwealth, and Raymond L. Flynn, Mayor of the City of Boston, dated July 31, 1985 to act as development agent for the State, MBTA, and City in the development of Parcel 18. It is the agency most capable of carrying out this responsibility in the City and State governments.

7. RESOLVES

THEREFORE, be it resolved that the Authority adopts a report which sets out program and policy requirements for the development of the Kingston-Bedford garage, the Essex Street lot, and Parcel 18, the report being entitled "Parcel to Parcel Linkage Program: Kingston-Bedford/Parcel 18." The goals and objectives of the Parcel to Parcel Linkage Program, as contained in the above-cited report, are also hereby specifically adopted; these goals and objectives for the development are to:

- o create opportunities for minority developers and individuals to be equity participants in both downtown and neighborhood development;
- o establish neighborhood development opportunities through project residuals and other funds to replace funds that have been or will be cut by the federal government;
- o expand housing opportunities for low, moderate, and middle income people in the impacted neighborhoods by using linkage funds and acquisition proceeds;
- o create more jobs, both permanent and construction, and more job training programs funded by linkage to ensure that new jobs go to Boston residents;
- o increase enterprise and success for minority businesses through participation in development activities and provision of affordable retail space for community-based businesses both downtown and in the neighborhood;
- o improve the quality of life through excellent urban design and the addition of plazas, open spaces, and cultural facilities; and
- o fulfill the community's vision for the Southwest Corridor by planning development that would create jobs, more housing, and equity opportunities for area residents.

THEREFORE, be it resolved that the Authority hereby recommends that the City of Boston, acting by and through its Public Facilities Commission and other agencies as appropriate, adopt the Parcel to Parcel Linkage Program; and that such agencies effectuate the program by taking the necessary actions to accomplish its purposes, including but not limited to delegating to

the Authority the power to act as development agent with respect to the Essex Street lot, as such lot is intergral to the Kingston-Bedford garage redevelopment.

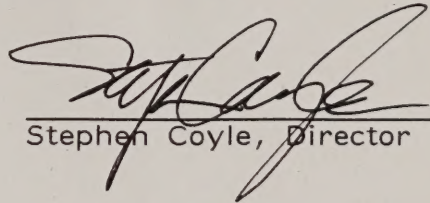
THEREFORE, be it resolved that in accordance with the Authority's role as development agent pursuant to a July 31, 1985 agreement among the Authority, State, City, and Parcel 18 Task Force, the Authority hereby recommends that the Massachusetts Bay Transportation Authority (MBTA) adopt the policies set forth in the report entitled "Parcel to Parcel Linkage Program: Kingston-Bedford/Parcel 18", as amended by the attached Request for Qualifications (RFQ), as further amended with the concurrence of the Parcel 18 Task Force and the Chinatown/South Cove Neighborhood Council, and as further outlined in the State environmental impact process set out in the State Environmental Notification Form; and that the MBTA authorize the Authority, acting as its development agent, to solicit development interest by the issuance of the Kingston-Bedford/Parcel 18 RFQ, a copy of which is attached.

THEREFORE, be it resolved that insofar as the Boston Redevelopment Authority acquires title to any of the parcels that are an integral part of the Kingston-Bedford Garage development, including the Essex Street lot and Parcel 18, the Authority hereby adopts the policies set forth in the report entitled, "Parcel to Parcel Linkage Program: Kingston-Bedford/Parcel 18," as amended by the attached Request for Qualifications, as further amended with the concurrence of the Parcel 18 Task Force and the Chinatown/South Cove Neighborhood Council, and as further outlined in the State environmental impact process set out in the State Environmental Notification Form, which policies will govern all the Authority's dispositions relating to the above-referenced parcels.

THEREFORE, be it resolved that the Authority deems the Parcel to Parcel Linkage Program to be of critical importance to the health, safety, and welfare of the City of Boston, and therefore to the Commonwealth of Massachsuetts, and that in accordance with this determination, the Authority advises each governmental agency involved in the approval process of the program to act with all deliberate speed in carrying out the necessary actions to bring the project to fruition.

Date: September 25, 1986

Respectfully submitted,



Stephen Coyle, Director

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

Boston

Then personally appeared before me the above-named Stephen Coyle, Director of the Boston Redevelopment Authority, who executed the foregoing instrument and acknowledged the same to be his free act and deed.

Notary Public

My Commission expires August 3, 1990.

EXECUTIVE ORDER

ENCOURAGING MINORITY BUSINESS ENTERPRISE

The City of Boston for the past several years has continued to increase employment opportunities for minority residents within municipal government to help reduce the high rate of unemployment in minority and low income neighborhoods. It now proposes to expand its Affirmative Action Programs to include Economic Development Programs that will encourage the participation of Minority Business Enterprises in the City's contracting process.

Therefore, in order to assure the participation of Minority Business Enterprises in the City's contracting process as defined below, by the authority vested in me as Mayor of the City of Boston, it is hereby ORDERED:

ARTICLE I: DEFINITIONS

"BENEFICIAL OWNERSHIP AND CONTROL", ownership of at least 51 per cent of the voting stock or proprietary interest in any corporation, partnership or sole proprietorship. In the case of a joint venture, the Minority Business Enterprise must have a controlling interest in the joint venture in order to have such participation qualify toward meeting the requirements of ARTICLE II. The existence of any agreements, options, rights of conversion or other restraints which may be exercised within three years and which, if exercised, could reduce minority ownership or control to less than the requisite percentage, shall establish that the existing enterprise is not a Minority Business Enterprise.

"CITY", the City of Boston.

"CITY DEPARTMENTS", those Departments under the supervision of the Mayor or persons appointed by him.

"IMPACTED AREA", any area of the City with high concentration of minority residents so designated by the City of Boston; including but not limited to the following areas: Roxbury, North Dorchester, South End, Jamaica Plain and Mattapan.

"MINORITY PERSON", an individual who is Black, Hispanic, Oriental or American Indian.

"MINORITY BUSINESS ENTERPRISE", a business organization in which at least 51% of the beneficial ownership is held by

one or more minority persons.

"OFFICE OF MINORITY BUSINESS", the Office of Minority Business of the Human Rights Commission of the City of Boston which has primary responsibility for identifying and certifying minority businesses, monitoring the progress of all City Departments and providing technical assistance.

ARTICLE II: MINORITY TEN PERCENT REQUIREMENT

At least ten percent of the value of all construction, goods and services procured by the City during each fiscal year will be obtained from Minority Business Enterprises.

This policy specifically includes all monies expended through the Capital Budget, Operating Budget and all federally funded projects and programs. Where federal regulations require a percentage greater than ten percent, such higher percentages shall govern such programs.

All City Departments will be required to expend a minimum of ten percent of their total expenditures for the fiscal year for construction, goods professional services from Minority Business Enterprises either through contracts awarded by the line department or through Administrative Services acting on behalf of the Line Department.

Thirty percent of all construction work to be performed in Impacted Areas shall be awarded to Minority Business Enterprises.

ARTICLE III: MINORITY BUSINESS OFFICE

The Mayor's Minority Business Office will assist City Departments in locating minority business enterprises through their outreach program and through a listing of minority vendors which will be published on a regular basis.

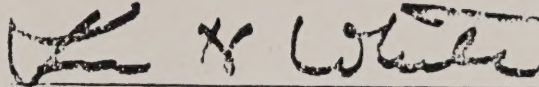
The Minority Business Office will also provide technical assistance to both the City Departments and to the Minority Business Enterprises. The Minority Business Office will be responsible for monitoring the progress or lack of progress and making recommendations for correction action.

ARTICLE IV: POLICY IMPLEMENTATION

The Director of Minority Business Office in conjunction with the Law Department, will be responsible for developing contract documents for the implementation of this policy.

The Director of the Minority Business Office in conjunction with the Heads of the various city departments will develop systems and procedures to assure implementation and enforcement within all City Departments.

This Policy is effective July 1, 1978.

A handwritten signature in dark ink, appearing to read "Kevin H. White", written over a horizontal line.

Kevin H. White
Mayor

June 28, 1978.
Date



ORDINANCES OF 1983, CHAPTER 30

ESTABLISHING
THE BOSTON RESIDENTS JOBS POLICY

In the Year Nineteen Hundred and Eighty-three

Be it ordained by the City Council of Boston, as follows:

SECTION 1 Preamble.

Whereas, There is a very high rate of unemployment in the City of Boston among both white and minority residents;

Whereas, The subsequent multiplier effect of this high level of unemployment has a direct and deleterious effect upon all the neighborhoods of the City of Boston, resulting in the physical deterioration of neighborhoods, vandalism, and crime;

Whereas, The City of Boston expends nearly one billion dollars in contracts, part of this money derived from taxes paid by city residents;

Whereas, These contracts enable private developers to obtain state and federal funds, and provide such developers with property tax and other benefits, for the purposes of constructing public works projects and other projects aimed at reviving and rebuilding blighted and unproductive areas of the City of Boston;

Whereas, The vast majority of workers employed on such projects are individuals who do not reside in the City of Boston;

Whereas, Black, Hispanic, Asian, and native American residents of the City of Boston, as well as female residents, have historically been systematically excluded from the construction trades and unions in the City of Boston;

Whereas, The Boston Resident Jobs Policy has been an Executive Order since September 11, 1979; and

Whereas, The United States Supreme Court has declared the Boston Residents Jobs Policy to be a legitimate and legally valid policy; therefore, be it ordained as follows:

SECTION 2. Definitions.

The following words as used in this ordinance shall, unless the context otherwise requires, have the following meanings:

"Minority person" shall include those persons who are Black, Hispanic, Asian, or native American.

"Resident" is any person for whom the principal place where that person normally eats and sleeps and maintains his or her normal personal and household effects is within the city limits for the City of Boston.

"Agency" shall mean the unit of government, within the structure of the City of Boston that is responsible for the application, administration and execution of Community Development Block Grants, projects in the area of housing and employment, and federal affirmative action programs, currently the Neighborhood Development and Employment Agency.

"Contract Compliance Office" is that office within the structure of the City of Boston government that has purview over the areas of compliance and enforcement for federal, state and/or local affirmative action programs.

SECTION 3. Policy.

(a) On any construction project funded in whole or in part by city funds, or funds which, in accordance with a federal grant or otherwise, the city expends or administers, or which the city is a signatory to the construction contract, the worker hours on a craft-by-craft basis shall be performed, in accordance with the contract documents provided for in section 3(b) below, as follows:

1. at least 50 percent of the total employee manhours in each trade shall be by *bona fide* Boston residents;
2. at least 25 percent of the total employee manhours in each trade shall be by minorities;
3. at least 10 percent of the total employee manhours in each trade shall be by women.

For purposes of this paragraph worker hours shall include work performed by persons filling apprenticeship and on-the-job training positions.

(b) In order to insure compliance with the ordinance, the provisions of the City of Boston Supplemental Minority participation and Residents Preference Section shall be included by each city department in all contracts with any private corporation or individual for construction projects covered by this ordinance.

SECTION 4. Compliance, Enforcement, Sanctions.

(a) The agency, as defined in section 2, shall be designated as responsible for the planning, implementation and enforcement of this ordinance, and shall have the following duties:

Planning and Implementation. Prior to the commencement of any construction project, capital works, or city economic development plan covered by this ordinance, the agency shall:

1. review spending plans for such project;
2. identify the number of job positions to be created by the project;
3. specify training needed for entry level and semi-skilled positions by job title;
4. in conjunction with appropriate unions and their existing collective bargaining agreements, recruit employees and arrange for training through established union apprenticeship programs; and
5. establish a job screening and referral agency which shall refer city residents, minorities, and women to contractors and subcontractors to enable such contractors and subcontractors to comply with this ordinance.

(b) The Contract Compliance Office for the City of Boston shall be responsible for enforcing and monitoring compliance with the provisions of this ordinance and the contract provisions established in accordance therewith shall have the following duties:

1. to require all contractors and subcontractors affected by this ordinance to submit weekly workforce charts listing workers by name, residential address, craft, job category, hours worked, sex and race. These charts shall be public records.
2. to negotiate with all contractors/developers in order to identify and classify construction jobs by job titles, hiring dates, duration and training.

3. to register all interested community-based organizations, and notify such organizations of any pre-award conferences between the agency and developer/contractor relating to hiring requirements and goals as stated herein.

(c) The agency shall have the power, by means of the contract provisions referred to in section 3 above, to impose sanctions upon contractors and subcontractors found to be in noncompliance with this ordinance. Such sanctions shall include, but not be limited to; i) suspension of payments; ii) termination of the contract; iii) recovery by the city of .1 percent of the contract award price as liquidated damages; and iv) denial of right to participate in future projects for up to three years.

SECTION 5. Liaison Committee.

The agency shall establish a liaison committee which shall meet monthly, in a forum open to the public, to review the agency's reports, monitor compliance with the provisions of the ordinance, and make recommendations to the Agency and the City Council regarding enforcement of this ordinance. The agency shall accept nominations of three persons from interested groups including, but not limited to: Union Contractors, Non-Union Contractors, Boston Building Trades, State Office of Minority Business Assistance, Contractor Association of Boston, Training Agency personnel, Human Rights activist groups, women's organizations, community-based organizations and the Boston Chamber of Commerce. The agency shall thereafter select one person from those nominations submitted by each organization to serve without compensation for a term of two years. This nomination and selection process shall be used to fill any vacancy.

SECTION 6. *Training Program.*

The City of Boston shall establish or cause to be established, either independently or in concert with craft unions, and construction contractors, job training programs to train minorities, Boston residents, and women for skilled or semi-skilled construction jobs. These programs shall be supervised by the agency.

SECTION 7. *Fines.*

Any person who provides false information regarding his or her residence address shall be subject to a fine of not more than \$300.

SECTION 8. *Independent Agencies.*

Any and all activities of any independent agency, operating or acting on behalf of the City of Boston, including, but not limited to, the Boston Redevelopment Authority and the Economic Development and Industrial Corporation shall comply with the provisions of this ordinance.

SECTION 9. *Publishing.*

Notwithstanding the provisions of the City of Boston Code, Ordinances, Title 2, section 752, this ordinance shall be published by action of the City Council in passing the same.

SECTION 10. Qualified Boston residents.

In City Council September 28, 1983. Passed.

JOHN P. CAMPBELL,
City Clerk.

Approved October 14, 1983.

KEVIN H. WHITE,
Mayor.

A true copy.

Attest:

City Clerk.



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
RAYMOND L. FLYNN

EXECUTIVE ORDER

EXTENDING THE BOSTON RESIDENTS JOB POLICY

WHEREAS there is a need to ensure that Boston residents receive maximum benefits from the growing private economy of their city, involving the economic resurgency encompassing office, hotel, retail, institutional and unsubsidized residential development;

WHEREAS there is a high rate of unemployment in the City of Boston, among both white and minority residents;

WHEREAS Black, Hispanic, Asian and Native American residents of the City of Boston, as well as female residents have historically been systematically excluded from the construction trades and unions in the City of Boston and such exclusion can and does exacerbate racial and gender tensions as a result of the competition for scarce construction jobs;

WHEREAS the effect of this high level of unemployment has a serious, substantial and deleterious effect for all the neighborhoods of the City of Boston, resulting in the physical deterioration of neighborhoods, vandalism, and crime;

WHEREAS procedures have been outlined to establish a balance between new large scale real estate developments and the needs of low and moderate income residents of the City of Boston, which procedures provide for the establishment of a Development Impact Project Plan and the execution of a Development Impact Agreement to ensure that developments which afford this opportunity for growth also provide a linkage payment for the production of low and moderate income housing in the city's neighborhoods;

WHEREAS in addition to the foregoing, it is appropriate for the City to ensure that each major private development which encompasses office, hotel, retail, institutional or unsubsidized residential development, has a Boston Residents Construction Employment Plan to ensure employment for Boston residents, minorities and women;

THEREFORE, I do hereby order that the following policy shall take effect as of July 12, 1985:

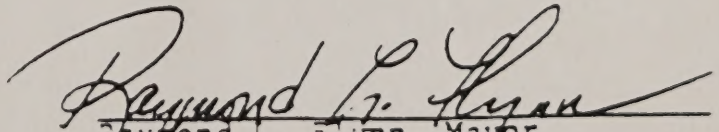
On any new private project or substantial rehabilitation project encompassing office, hotel, retail, institutional or unsubsidized residential development, to which there is a requirement of a Development Impact Project Plan, and to which a Building Permit has not already been issued, that there also be the requirement that the developer submit a Boston Residents Construction Employment Plan to the Boston Redevelopment Authority, which plan shall set forth in detail the developer's

plans to ensure that on a craft by craft basis, the following Boston Residents Construction Employment Standards are met:

- (1) at least 50 percent of the total employee workhours in each trade shall be by bona fide Boston residents;
- (2) at least 25 percent of the total employee work-hours in each trade shall be by minorities; and
- (3) at least 10 percent of the total employee work-hours in each trade shall be by women.

That plan shall further contain provisions for monitoring, compliance, and sanctions. The Commissioner of Inspectional Services shall not issue any building or use permit with respect to any building, structure, or land which requires a Development Impact Project Plan unless the Director of the Boston Redevelopment Authority has certified on the application for a building or use permit and on each Development Impact Project Plan that the project is consistent with the Boston Redevelopment Authority approved Boston Residents Construction Employment Standards as specified above for said project.

Date: July 12, 1985


Raymond L. Flynn, Mayor

CITY OF BOSTON

REPORT

21

THE CITY OF BOSTON, MASSACHUSETTS

FOR THE YEAR ENDING DECEMBER 31, 1900

REPORT OF THE COMMISSIONER OF THE BUREAU OF PUBLIC WORKS, IN RESPONSE TO A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1899, AND A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1900.

THE COMMISSIONER OF THE BUREAU OF PUBLIC WORKS, IN RESPONSE TO A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1899, AND A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1900.

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THE COMMISSIONER OF THE BUREAU OF PUBLIC WORKS, IN RESPONSE TO A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1899, AND A RESOLUTION PASSED BY THE CITY COUNCIL, MAY 1, 1900.

CITY OF BOSTON

IN CITY COUNCIL

ORDER: DEVELOPMENT GUIDELINES FOR THE DUDLEY SQUARE DEVELOPMENT DISTRICT

- WHEREAS: The City Council, through an order dated August 15, 1984 instructed the Boston Redevelopment Authority to initiate a process whereby development strategies for the Dudley Square area could be formulated; and
- WHEREAS: The premature disclosure of certain aspects of the planning efforts has lead to growing concern in the community about possible return of old style renewal practices -- including displacement, clearance, and broken promises; and
- WHEREAS: The need to encourage private investment as an economic counterforce to the cruel and overwhelming poverty in this area is paramount; and
- WHEREAS: It is essential that equitable principles govern the redevelopment activity in order that the efforts of various groups are in concert with each other and prove to be of lasting value to the community.

THEREFORE, BE IT

ORDERED: That the Development Guidelines for the Dudley Square Development District include but not necessarily be restricted to the following policies:

1. There shall be no displacement of residents or commercial tenants as a consequence of the negative speculative pressures that might result as a consequence of the Dudley Square Development Strategy, and public and private plans and policies shall be evaluated accordingly.
2. Expanded home ownership and residential equity options shall be developed to increase the variety of housing options presently available in the Dudley Square Development District.
3. Expanded mixed-income rental options shall be developed to increase the variety of rental housing options presently available in the Dudley Square Development District.

4. The development and ownership of commercial enterprises shall be promoted within the Dudley Square Development District;
5. Equity participation by community organizations and minority entrepreneurs shall be encouraged and facilitated on all development parcels within the Dudley Development District;
6. A community participation process shall be established to facilitate the planning and decision-making process of the City within the context of the Dudley Square Development Strategy.

BE IT FURTHER

ORDERED: That the Director of the Boston Redevelopment Authority appear before the Planning and Development Committee on or before February 8, 1985, to provide said committee with a progress report on efforts to date. Said report shall address in specific fashion, forecasts about equity opportunities, job opportunities and job creation in Boston for the balance of this decade as the policy questions raised in sections 1 through 6 above.

In City Council. January 30, 1985



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1. *Author* _____

2. *Title* _____

3. *Editor* _____

4. *Translator* _____

5. *Subject* _____

6. *Keywords* _____

7. *Abstract* _____

8. *Notes* _____

9. *References* _____

10. *Index* _____

11. *Appendix* _____

12. *Footnote* _____

13. *Table* _____

14. *Figure* _____

15. *Equation* _____

16. *Diagram* _____

17. *Table* _____

18. *Figure* _____

19. *Equation* _____

20. *Diagram* _____

21. *Table* _____

22. *Figure* _____

23. *Equation* _____

24. *Diagram* _____



CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-SIX

AN ORDINANCE

ESTABLISHING THE BOSTON EMPLOYMENT COMMISSION

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

INDEX

1. Preamble: Policy of the City of Boston
2. Section 1: Definitions
3. Section 2: Scope of Jurisdiction
4. Section 3: Powers and Duties
5. Section 4: Composition
6. Section 5: Procedures
7. Section 6: Standards for Compliance
8. Section 7: Determinations of Compliance
9. Section 8: Establishment of Escrow Fund
10. Section 9: Sanctions
11. Section 10: Certificate of Compliance
12. Section 11: Staffing
13. Section 12: Conflicts of Interest
14. Section 13: Severability
15. Section 14: Effective Date
- 16.
- 17.
- 18.
- 19.
- 20.

AN ORDINANCE

1. Preamble: Policy of the City of Boston

2. *WHEREAS the City of Boston is experiencing a resurgence in its economy that*
3. *is creating the potential for unprecedented economic opportunity;*
4. *and*
5. *and*

6.
7. *WHEREAS Boston has fully established itself as the economic*
8. *center for the entire New England region and is generating wealth*
9. *and revenues for people throughout the region; and*
10.

11. *WHEREAS despite this growth, Boston residents have not enjoyed*
12. *an opportunity to participate, indicated by the fact that Boston*
13. *residents have seen their share of jobs decline by over 40 percent*
14. *in the past 35 years; and*
15.

16. *WHEREAS the principal aspect of a strong and vibrant city is*
17. *the ability of its breadwinners to gain access to secure jobs that*
18. *pay a living wage; and*
19.
20.

AN ORDINANCE

1. WHEREAS Black, Hispanic, Asian and Native American residents of
2. the City of Boston, as well as female residents have historically
3. been underrepresented in the workforce and such exclusion can and
4. does exacerbate racial tensions as a result of the competition for
5. employment opportunities; and

AN ORDINANCE

1. WHEREAS economic opportunity creates an environment where
2. people from every neighborhood can work together toward common
3. objectives; and

4.
5. WHEREAS under the Boston Residents Jobs policy, Boston
6. residents are enjoying greatly improved access to jobs in the
7. downtown construction industry; and

8.
9. WHEREAS it is the policy of this City government to ensure that
10. all people enjoy fair and open access to employment in permanent
11. jobs in the private sector; and

12.
13. WHEREAS it can be shown that deeper and broader cooperation
14. from the private sector can produce meaningful employment
15. opportunities for Boston residents who want and need them; and

16.
17. WHEREAS it is essential to the success of these endeavors that
18. projects and employment plans be monitored, that findings be made
19. with respect to compliance, and that recommendations for sanctions
20.

AN ORDINANCE

1. be determined, and that all this be done in a manner that protects
2. the due process rights of all parties; and

3.
4. WHEREAS such findings and recommendations should be made by an
5. independent body composed of persons with an established commitment
6. to employment opportunity for Boston residents; and

7.
8. WHEREAS the following is declared to be in the public interest;

9.
10. THEREFORE, be it ordained as follows:

11. SECTION ONE: Definitions

12.
13. For the purposes of this Ordinance, the following definitions
14. shall apply, unless the context otherwise requires:

15. (1) "Best Efforts." Developers and contractors may rely on
16. traditional referral methods in the hiring of journeymen,
17. apprentices, advanced trainees and helpers. Developers and
18. contractors also shall implement affirmative action steps which
19. include at a minimum the following:
20.

AN ORDINANCE

1. (i) If developers and contractors have employment
2. opportunities available and are unable to meet the
3. requirements of the Boston Residents Construction
4. Employment Standards, they shall notify the Skills Bank,
5. as defined in Section 1(12) herein for referrals.
6. (ii) Developers and contractors shall maintain a record of
7. their requests to all recruitment sources and the
8. responses to such requests.
9. (iii) Developers and contractors shall maintain a current file
10. of the names, addresses, and telephone numbers of each
11. Boston resident, minority, and female who has sought
12. employment with respect to a Covered Project, or were
13. referred to a developer or contractor by any community
14. organization, including the Mayor's Office of Jobs and
15. Community Services. They shall also maintain a record of
16. what action was taken regarding each individual who was
17. referred to a union hiring hall and/or contractor, but was
18. not hired. The developer and/or contractor shall document
19. the reasons for such failure to hire.
- 20.

AN ORDINANCE

(iv) Provide information upon request to the Compliance
Division of the Mayor's Office of Jobs and Community
Services regarding the above procedures.

(2) "Boston Employment Commission", hereinafter "Commission."

There shall be in the City a board known as the Boston Employment
Commission, consisting of five members appointed by the Mayor; the
Commission shall have the powers and duties set forth in Section 3
herein. The members of the Commission shall be deemed special
municipal employees for purposes of Chapter 268A of the
Massachusetts General Laws.

(3) "Boston Resident." Any person for whom the principal
place where that person normally eats and sleeps and maintains his
or her normal personal and household effects is within the city
limits of the City of Boston.

(4) "Boston Resident Construction Employment Standards." The
standards as contained below:

(i) Fifty percent (50%) of all Worker-hours on a
craft-by-craft basis in Covered Projects shall be
worked by Boston Residents;

AN ORDINANCE

(ii) Twenty-five percent (25%) of all Worker-Hours on a craft-by craft basis in Covered Projects shall be worked by Minority Persons;

(iii) Ten percent (10%) of all Worker-Hours on a craft-by-craft basis in Covered Projects shall be worked by females.

(5) "Boston Resident, Minorities and Women New Hire Plan." The Commission will establish baseline hiring data for Boston residents, minorities and women by surveying recent hires in new developments and will set annual goals which will represent an increase in permanent full-time equivalent new hires from the previous calendar year in each of the above categories.

(6) "Covered Projects." All projects, contracts, or agreements within the jurisdiction of:

(i) the Boston Residents Jobs Policy, Ordinances of 1983, Chapter 30 (hereinafter referred to as "Jobs Ordinance");

AN ORDINANCE

1. (ii) the Mayor's Executive Order Extending the Boston

2. Residents Job Policy, dated July 12, 1985;

3. (hereinafter referred to as "Jobs Order"); or

4. (iii) any subsequent ordinance or executive order,
5. relating to Boston jobs policies, which specifically
6. empowers the Boston Employment Commission and which
7. may hereafter be duly adopted.

8. (7) "Major Private Employer." Any private firm which employs
9. at any one time more than five hundred people to work within the
10. City of Boston.

11. (8) "Mayor's Office of Jobs and Community Services,"
12. hereinafter "OJCS". The agency within the City of Boston government
13. responsible for compiling compliance information in accordance with
14. the Boston Resident Construction Employment Standards, as defined
15. in Section 1(4) herein, and the Minority Business Enterprise/Women's
16. Business Enterprise Programs.

17. (9) "Minority Business Enterprise/Women's Business Enterprise
18. (MBE/WBE)." Any firm or business enterprise in which:

19. (i) The principals are members of a minority group
20. or are females; and

AN ORDINANCE

(ii) Minorities or females own at least fifty-one

percent (51%); and

(iii) Minorities or females possess and demonstrate

dominant control over management of such firm or

business enterprise; and

(iv) Such firm or business enterprise is an on-going

concern; and

(v) Minorities or females are substantial investors

in such firm or business enterprise.

(10) "Minority Person" or "Minority." Any person who is Black, Hispanic, Asian, or Native American, as these terms may be defined by the United States Census Bureau, or, if not defined thereby, as these terms are defined by the Boston Equal Employment Opportunity Commission in its duly promulgated regulations.

(11) "Permanent Job." Any full-time position, or its equivalent, that an employer would fill year-round and continue to fill indefinitely in a particular location.

(12) "Skills Bank." A job screening and referral bank maintained by the Mayor's Office of Jobs and Community Services.

AN ORDINANCE

1. (13) "Voluntary Employment Agreement." Any plan to promote
2. hiring of Boston residents; minorities, and/or women developed by
3. private employers which addresses, at a minimum, plans to achieve
4. hiring goals for new hires and vacancies.

5. (14) "Worker-Hours." The sum total of all hours worked by all
6. persons performing construction work.

7. SECTION TWO: Scope of Jurisdiction

8. The Commission's jurisdiction shall extend to: (1) Covered
9. Projects, as defined in Section 1(6) herein; (2) Voluntary
10. Employment Agreements, as defined in Section 1(13) herein, developed
11. by Major Private Employers or other employers within the City of
12. Boston; and (3) matters under the jurisdiction of any subsequent
13. ordinance or executive order, relating to Boston jobs policies,
14. which specifically empowers the Boston Employment Commission and
15. which may be hereafter duly adopted.

17. SECTION THREE: Powers and Duties

18. (1) The Commission shall be charged with bringing Covered
19. Projects into compliance with Boston Resident Construction
20. Employment Standards, as defined in Section 1(4) herein. The

AN ORDINANCE

1. Commission shall receive compliance information from QJCS,
2. investigate noncompliance complaints, ~~make compliance determina-~~
3. tions, and where appropriate, issue sanctions as outlined in Section
4. 9 herein. Compliance information may be gathered at any time by the
5. Commission, and compliance determinations shall be made by phase for
6. each Covered Project in accordance with Sections 5, 6 and 7 herein.
7. For projects under construction upon the adoption of this Ordinance,
8. the Commission, in conjunction with the appropriate city agency, may
9. also pursue remedies for noncompliance that arise through existing
10. contracts and agreements or that exist pursuant to the Jobs
11. Ordinance or Jobs Order.

12. (2) The Commission shall have the authority to require
13. developers of Covered Projects to submit: (i) detailed plans that
14. show how the developer intends to meet the Boston Resident
15. Construction Jobs Standards; and (ii) detailed plans that show how
16. the developer intends to meet MBE/WBE goals contained in City
17. contracts or that arise from city, state, or federal laws,
18. regulations, or policies.

19. (3) The Commission shall be charged with monitoring MBE/WBE
20. goals contained in City contracts or that arise from city, state, or

AN ORDINANCE

1. federal laws, regulations, or policies. The Commission shall
2. receive compliance information from the Mayor's Office of Jobs &
3. Community Services, and shall pursue appropriate remedies for
4. non-compliance or recommend that the awarding authority or agency
5. pursue such remedies.

6. (4) The Commission shall meet with representatives of Major
7. Private Employers in the City for the purpose of reviewing
8. voluntary, aggregate hiring goals set by said employers which
9. promote job opportunities for minorities and city residents.

10. The Commission shall gather information on whether the
11. employers are achieving said aggregate goals and shall encourage
12. Major Private Employers to join in this collaborative effort.

13. The Commission shall use its best efforts to have a group
14. representing the participating Major Private Employers issue a
15. public report each year on the success of this effort and such
16. voluntary business programs as summer jobs for youth, the Boston
17. Compact and BostonWorks.

18. At least twice annually the Commission shall invite Major
19. Private Employers or a subcommittee of Major Private Employers to
20. make presentations to the Commission.

AN ORDINANCE

1. (5) To promote a collaboration between the public and private
2. sectors for the purpose of expanding permanent employment
3. opportunities in Boston's economy for Boston residents, minorities,
4. and women, the Commission shall encourage private employers to
5. submit voluntary employment plans. The plans may establish new hire
6. goals and may address the amount of the assistance required from the
7. City to meet these goals; such assistance may involve job training
8. and referral funds and services. To understand progress made toward
9. hiring goals, the Commission is authorized to undertake a Boston
10. resident, minority, and women employment survey annually. Progress
11. may be determined in terms of improvement above benchmark data
12. discovered through the survey.

13. (6) The Commission shall have the authority to promulgate
14. regulations, as to matters within the Commission's purview, after
15. public notice, comment, and hearing and upon a majority vote of all
16. members.

18. SECTION FOUR: Composition

19. There shall be five members of the Commission, all of whom
20. shall be appointed by the Mayor. The Commission, at a minimum,

AN ORDINANCE

1. shall be representative of minorities, women, organized labor and
2. the Mayor's Jobs Liaison Committee. Members of the Commission shall
3. have a demonstrated commitment to equal employment opportunity. All
4. members of the Commission shall be Boston Residents or shall
5. maintain their principal place of business in Boston.

6.
7. (1) Nominations

8. The Mayor shall seek nominations for membership from a wide
9. range of individuals and organizations.

10.
11. (2) Term of Office

12. Commission members shall be appointed to two-year terms, and
13. members shall serve until their successors are duly appointed.
14. Vacancies, other than by reason of expiration of terms, shall be
15. filled by appointment by the Mayor for the balance of the unexpired
16. term.

17.
18. (3) Removal

19. The Mayor may remove a member for just cause by filing a
20. written statement to such effect with the City Clerk. Reasons for

AN ORDINANCE

1. just cause shall include but not be limited to a pattern of
2. non-attendance, noncompliance with procedures established under
3. Section 5 herein, failure to disclose conflicts of interest,
4. incapacity due to illness, or conviction of a crime. The Mayor's
5. determination that just cause for removal exists shall be
6. conclusive.

7.
8. (4) Chair

9. The Chairperson of the Commission shall be appointed by the
10. Mayor, and shall serve a term of two years.

11.
12. (5) Quorum

13. In no event shall a quorum be fewer than three members of the
14. Commission.

15. SECTION FIVE: Procedures

16. No actions or determinations under Sections 7, 8, 9, or 10
17. shall be taken or made without adherence to the following
18. administrative procedures:

19. (1) Notice to Parties. Any party subject to the jurisdiction
20. and recommendation power of the Commission shall be given

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at least fourteen (14) calendar days notice of any hearing affecting its interests, such notice to be provided in writing and sent by mail, postage prepaid first class, to the party at its usual place of business.

(2) Method. Decisions to sanction shall require a majority vote of the membership of the Commission. The Commission shall adopt procedures, voted by a majority of all members, to establish the time, place, and manner for its members to meet and vote. Such procedures and revisions to such procedures shall be submitted in writing to the Mayor and QJCS within twenty-one (21) calendar days of their scheduled adoption.

(3) Public Meetings. A public meeting subject to the requirements of the Massachusetts open meetings law (M.G.L. ch. 39, §23) shall be held before the Commission conducts its final vote on any matter within its jurisdiction. All such public shall require reasonable notice under the circumstances to the general public in a newspaper of general circulation. At least seven days notice shall be the goal to be achieved when possible.

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(4) Records

The Commission shall record no less than: the time and place of each meeting; the topic(s) discussed in each meeting; members in attendance at each meeting; whether the meeting was open to the public; what nonmembers were in attendance; any votes taken; and any disclosures by members of conflicts of interest. Such record shall be maintained in good and legible condition by the chairperson, or his or her designee, and be available for inspection by any member of the public upon reasonable notice.

SECTION SIX: Standards for Compliance

The Commission shall use the Boston Resident Construction Employment Standards to monitor compliance of Covered Projects with this ordinance. A Covered Project shall be deemed in compliance if 1) the statistical monitoring data by phase shows compliance with the Boston Resident Construction Employment Standards, or 2) if the Commission determines that best efforts as defined in Section 1(1) herein, have been made to comply with the Boston Resident Construction Employment Standards.

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SECTION SEVEN: Determination of Compliance

The Commission, by vote of its membership, shall make determinations that Covered Projects comply with the Boston Resident Construction Employment Standards at time intervals as set out in one of the following two schedules, whichever allows for more frequent determinations as to a particular project:

(1) When the Covered Project is 25, 50, 75 and 100 percent complete, or,

(2) 3, 6, and 9 months after construction commences at the Covered Project and every 3 months thereafter until the completion of the project.

"Percent complete" shall be measured by the percentage of the total worker-hours expected to be worked on the project. The Commission shall monitor said percentage and shall include it in its Monitoring Reports.

SECTION EIGHT: Establishment of Escrow Fund

For each Covered Project, an escrow fund shall be established. The developer shall pay into the escrow fund an amount equal to one-tenth of one percent (.1%) of the total construction cost of the project as determined by the Commission. The Commission shall

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1. choose an escrow agent who shall hold said fund for the purpose of
2. satisfying fines levied by the Commission in relation to a Covered
3. Project. Subject to appropriation by the Mayor and approval by the
4. City Council, any fines shall be for the benefit of the Neighborhood
5. Jobs Trust, as established in Article 26B of the Boston Zoning Code
6. or similar entity if the Neighborhood Jobs Trust should cease to be
7. used for jobs training. Interest, if any, accrued by the fund,
8. shall remain in and become a part of the escrow fund until such time
9. as the fund shall be released. Upon the completion of the Covered
10. Project and a finding of compliance by the Commission, all monies in
11. the escrow fund, including accrued interest, if any, shall be
12. released and returned to the person or entity whom the developer of
13. the Covered Project designates.

15. SECTION NINE: Sanctions

16. The Commission shall have the authority to sanction the
17. developers of Covered Projects for noncompliance with the Boston
18. Resident Construction Employment Standards. The Commission shall
19. invoke any or all four categories of sanctions:
20.

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(1) Fines to a maximum of three-hundred dollars (\$300.00) per violation to be levied against the Escrow Fund as established herein, provided that each day of non-compliance shall be considered a separate violation;

(2) Preclusions from the award of all municipal contracts, and competitions for public development rights for a period of time determined by the Commission;

(3) Sanctions as authorized by the Jobs Ordinance and incorporated in contracts;

(4) Certifications of Noncompliance which shall be forwarded to any or all local, state, and federal agencies and authorities.

The Commission may employ the sanctions contained in Sections 9(2) and 9(4) against any party who fails to meet Boston jobs policy provisions contained in any contract or agreement between such party and the City. The imposition of sanctions under this section shall not preclude and shall be in addition to the exercise of any action or sanction as authorized through contract or agreement.

SECTION TEN: Certificate of Compliance

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1. The Commission shall issue certificates of compliance and merit
2. to all concerned municipal, state, and federal agencies and
3. authorities for all individuals, organizations, partnerships, or
4. corporations which have equalled or exceeded their compliance
5. requirements. The holder of a certificate of compliance and merit
6. shall be given favorable consideration in the award of municipal
7. contracts and development rights.
8.

9. SECTION ELEVEN: Staffing

10. The Commission shall have staff consistent with the
11. Commission's mission and purpose. The Director of QJCS shall be the
12. Executive Director of the Commission.
13.

14. SECTION TWELVE: Conflicts of Interest

15. No member shall appear before or represent any person, firm,
16. corporation, or other entity in any matter pending before the
17. Commission. Members shall not participate in a meeting or a
18. decision of the Commission on any matter in which they are directly
19. or indirectly interested in a personal or financial sense. Any
20.

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1. disqualification or disclosure of conflict of interest shall be
2. entered into the records of the Commission.
3.

4. SECTION THIRTEEN: Severability

5. The provisions of this Ordinance are severable, and if any
6. provision shall be held invalid or unconstitutional by a decision of
7. any court of competent jurisdiction, such decision shall not impair,
8. or otherwise affect, any other provisions of this Ordinance.
9.

10. SECTION FOURTEEN: Effective Date

11. This Ordinance shall take effect upon enactment.

12. I HEREBY CERTIFY THAT
13. THE FOREGOING, IF PASSED IN
14. THE ABOVE FORM, WILL BE IN
15. ACCORDANCE WITH LAW.

16. Alex W. Wall
17. Attest CORPORATION COUNCIL 7/1/11



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

BY HIS EXCELLENCY

MICHAEL S. DUKAKIS

EXECUTIVE ORDER NO. 237

MINORITY BUSINESS DEVELOPMENT

WHEREAS, it is the policy and intent of this Administration to promote and facilitate the fullest possible participation by all citizens in the resources provided by state government, and

WHEREAS, minority business enterprises frequently face inordinate problems in achieving viable economic status, and

WHEREAS, minority business enterprises are underrepresented among the enterprises doing business with state government, and

WHEREAS, state government, as one of the largest corporations, public or private, in the Commonwealth of Massachusetts, has a special responsibility to ensure that all available services, programs and resources are put to the best use;

NOW, THEREFORE, I, Michael S. Dukakis, the Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do, hereby issue this Order as a necessary step to guarantee the fullest participation by minority businesses in the economy of the Commonwealth and the opportunities created through state government activities.

ARTICLE I

Policy and Standards

- 1.1. It is the policy of the Commonwealth of Massachusetts to encourage the greatest possible participation of minority business enterprises (MBEs) in the award of all state contracts including contracts for supplies and equipment, services and construction.
- ✓

- 1.2. Each Executive Office, agency, department, board and commission (agency, department board and commission hereinafter referred to as "Agency or Agencies") is hereby directed to achieve the award of at least ten percent of the total dollar value of construction contracts let by it in each fiscal year to MBEs, and at least five percent of the total dollar value of contracts for supplies and equipment and contracts for services let by it in each fiscal year to MBEs. The five percent shall be achieved by the awarding of at least five percent of the total value of contracts let in each of the categories mentioned namely, contracts for supplies and equipment, and services. Provided that no later than January 1, 1985, and semi-annually thereafter, the Secretary of Administration and Finance, in consultation with the Oversight Committee, shall determine, based on experience under this Order, to what extent the requirements regarding supplies and equipment and services should be adjusted upward until a ten percent requirement is reached.
- 1.3. Each public authority of the Commonwealth and the Board of Regents of Higher Education, are strongly encouraged to adopt a policy, similar to this Order, for MBE participation in the award of total dollar value of contracts let in each fiscal year.

ARTICLE II

Minority Business Enterprise Procurement Plan

- 2.1. MBE Procurement Plans shall be developed and implemented by each Executive Office and Agency. Assistance in developing a plan can be obtained from the State Office of Minority Business Assistance ("SOMBA").
- 2.2. Each Executive Office shall designate a highly placed person, who shall report directly to the Secretary of the Executive Office, and who shall be responsible for coordinating the development and implementation of the MBE Procurement Plan within the Executive Office and all Agencies under its control.
- 2.3. Each Agency shall designate a highly placed person, who shall report directly to the chief executive, and who shall be responsible for coordinating the development and implementation of the MBE Procurement Plan within its respective Agency.
- 2.4. Each Executive Office shall submit its MBE Procurement Plan for approval to the Secretary of Administration and Finance for all Agencies under its control within sixty days from the date of this order and include said plans as part of its annual budget submission each year thereafter.

2.5. Each plan shall include, but not be limited to, the following.

(a). By category (supplies and equipment, services and construction), a statement of the estimated total procurement dollars to be spent during the current fiscal year, the amount spent with MBEs during the previous fiscal year, the amount projected to be spent with MBEs during the current fiscal year, and the amount projected to be spent with MBEs during the next fiscal year.

(b). A description of the methods, procedures and programs to be implemented in order to meet the objective. The program initiatives may include:

1. targeting some bid invitations to MBEs,
2. promoting joint ventures between MBEs and non-MBEs,
3. requiring prime contractors to subcontract a minimum amount of work on projects to MBEs,
4. designating MBEs as preferred vendors when submitting requests to the Purchasing Agent,
5. dividing large contracts into smaller units to afford opportunities for MBEs, where legally permissible.

(c). A plan for requiring each contractor for supplies and equipment, services and construction, with contracts in amounts of \$50,000 or more, to submit to the contracting agency an affirmative action plan that includes the purchase of supplies, equipment and services from MBEs as well as its employment objectives.

2.6. The plan shall identify all other business related resources available within each Executive Office and Agency, including, but not limited to, financing programs, block grants and technical assistance. In addition, the plan shall explain the method to be utilized to increase MBE access to these resources.

2.7. The plan shall build upon existing MBE programs.

2.8. Each Cabinet Secretary and the respective chief executive of each Agency shall be responsible for enforcing, implementing, coordinating and insuring compliance with this Order.

ARTICLE III

Economic Development

- 3.1. It will be the responsibility of the Secretary of Administration and Finance, in consultation with the Governor's Development Cabinet and Human Resources Cabinet, to develop a comprehensive MBE program for the Commonwealth.
- 3.2. All economic and business development policies, legislation and programs which are promulgated by any state governmental body shall include provisions which promote and foster MBE participation.

ARTICLE IV

Responsibilities of SOMBA

- 4.1. SOMBA's responsibilities shall be, but are not limited to, the following:
 1. promulgating rules and regulations for the certification of minority businesses for use by all Executive Offices and Agencies,
 2. certifying MBEs, maintaining a list of MBEs for use by state Agencies and publicly disseminating such list,
 3. reviewing the certification of all MBEs on at least an annual basis,
 4. providing outreach and technical assistance to all MBEs,
 5. providing support to all state Agencies in contracting with certified MBEs,
 6. assisting MBEs in securing bonding, financing, and removing impediments to particular procurement opportunities.

ARTICLE V

Responsibilities of the Secretary
of Administration and Finance

- 5.1. The Secretary of Administration and Finance shall be responsible for investigating all instance of non-compliance with approved MBE Procurement Plans. If it is determined, after investigation, that any Executive Office or Agency is in non-compliance, the Secretary of Administration and Finance is empowered to take any action deemed appropriate to ensure compliance, including, but not limited to, allotment controls and prior approval of all contracts.
- 5.2. There shall be appointed within the Executive Office for Administration and Finance a full-time Special Assistant to the Secretary of Administration and Finance who, with appropriate staff, shall be responsible, on behalf of the Secretary, for ensuring compliance with this Order, monitoring MBE development in the Commonwealth and performing such other related duties as may be assigned by the Secretary.
- 5.3. The Special Assistant shall prepare quarterly reports and a report at the end of each fiscal year, which shall be submitted to the Governor and the Secretary of Administration and Finance, delineating the performance of the Commonwealth relative to MBEs. The reports shall include, but are not limited to the following:
 - (a). the number of MBEs certified,
 - (b). the total dollar amount spent with MBEs by each Executive Office and Agency.
- 5.4. The Secretary of Administration and Finance shall develop with the Comptroller a policy and system for timely payments to vendors.
- 5.5. The Secretary of Administration and Finance shall develop a management information system for the purpose of streamlining the reporting requirements under this Order.
- 5.6. The Secretary of Administration and Finance, after consultation with the Governor's Development Cabinet and Human Resources Cabinet, shall promulgate such rules and regulations as he deems necessary to effect an orderly implementation and to fulfill the purpose and intent of this Order.

ARTICLE VI

Certification

- 6.1. Each Executive Office and Agency may certify minority business enterprises, consistent with the rules and regulations promulgated by SOMBA. If an initial determination is made by an Executive Office or Agency that a business is a minority business, such determination shall be referred to SOMBA for its approval and certification. SOMBA shall have thirty days from the date of referral to approve or disapprove said business. If SOMBA shall fail to act within thirty days from the date of referral, said business shall be deemed certified as a minority business and entitled to certification for the contract in question only. Once SOMBA certifies a business as a minority business, absent a subsequent determination by SOMBA or any Executive Office or Agency, its certification is effective for all Executive Offices and Agencies.

ARTICLE VII

Minority Business Enterprise Oversight Committee

- 7.1. The Secretary of Administration and Finance shall appoint a Minority Business Enterprise Oversight Committee, not to exceed fifteen members, which shall assist the Secretary in the development and implementation of this Order.

ARTICLE VIII

Definitions

- 8.1. For the purpose of this Order, the following definitions shall apply:

"Minority" means a person with permanent residence in the United States who is Black, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

"Minority business" any individual, business organization or non-profit corporation which is certified as a minority business by SOMBA or any Executive Office or Agency, consistent with Article VI of this Order.

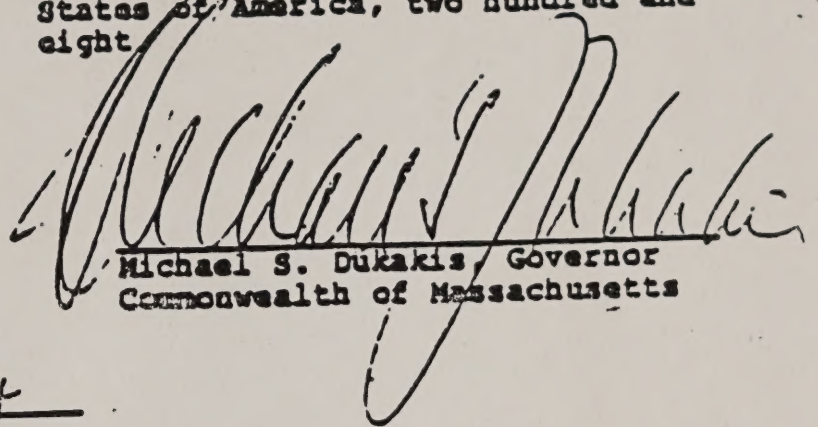
"Services" professional and non-professional services rendered by non-employees.

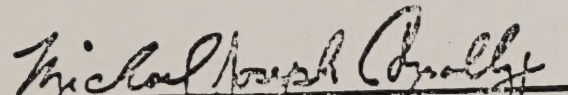
ARTICLE IX

9.1. Nothing in this Order is intended to nullify any state law or federal or state program which is now in existence.



Given at the Executive Chamber in Boston this nineteenth day of March in the year of our Lord one thousand nine hundred and eighty-four and of the Independence of the United States of America, two hundred and eight.


Michael S. Dukakis, Governor
Commonwealth of Massachusetts


Michael Joseph Connolly
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

sex, handicap, or national origin. It will take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, handicap, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The applicant shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by HUD setting forth the provisions of this non-discrimination clause. The applicant will in all solicitations or advertisements for employees placed by or on behalf of the applicant state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, handicap or national origin. The applicant will incorporate the foregoing requirements of this paragraph in all of its contracts for project work, except contracts for standard commercial supplies or raw materials or contracts covered under subsection (c)(16)(xiv)(E) of this section, and will require all of its contractors for such work to incorporate such requirements in all subcontracts for work done with funds provided under 24 CFR Part 570.

§ 570.459 Criteria for selection.

(a) *General.* Each calendar quarter, HUD shall review all new proposals received and all proposals pending consideration and shall determine which among such proposals are both feasible and effective. The nature and purpose of the proposed project will determine the extent to which each of the selection criteria in paragraphs (e) through (q) of this section will apply.

(b) *Requirements which must be met to be considered for project selection—*

(1) *A firm private commitment.* No projects will be funded under this subpart unless there is a firm private commitment to finance and carry out the proposed project. The private commitment must have a clear, direct rela-

tionship to the activities for which funding is being requested.

(2) *Leveraging ratio.* Each project considered for selection for funding must have a leveraging ratio of at least 2.5 to 1.0.

(3) *A firm commitment of public resources.* If a project requires a commitment of other public resources, then it must be a firm public commitment.

(c) *Selection of Projects for Preliminary Funding Approval: Large cities and urban counties.* Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of economic distress among applicants, as measured by the differences in the factors set forth below, which shall be assigned the following relative weights: (i) The percentage of their total housing stock that was built prior to 1940: 0.5; (ii) The extent of poverty: 0.3; and (iii) The degree to which their population growth rate lags behind that of all metropolitan cities: 0.2.

(2) The comparative degree of distress as measured by per capita income, unemployment, and job lag/decline, and

(3) The factors contained in paragraphs (e) through (q) of this section.

(d) *Selection of Projects for Preliminary Funding Approval: Small cities.* Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of economic distress as measured by the distress standards in § 570.452(b)(2);

(2) The factors contained in paragraphs (e) through (q) of this section.

(e) *The impact of the proposed project on the employment base of the community.* In evaluating the employment impact of a proposed project, HUD will consider such factors as the net number of new permanent or temporary jobs to be created within the distressed community.

(1) Specifically HUD will consider whether the project includes a greater number of net new permanent jobs in relation to the amount of action grant funds requested than other type projects. For example, a project creating 1,000 new permanent jobs requiring a million dollar investment of action grant funds will have an action grant

cost of \$1,000 per job. A similar project having an action grant cost of \$10,000 per job will compare less favorably on this factor than the project having a \$1,000 cost per job. Job retention and construction jobs will receive some consideration but will be given less weight in selection than the creation of new permanent jobs.

(2) HUD will consider whether the project includes a greater percentage of net new permanent jobs accessible to lower income persons and minorities including those who are unemployed than other similar projects.

(3) HUD will consider whether the project contains a greater number of jobs on a percentage basis for CETA eligible persons (the structurally unemployed, underemployed or for persons from low- and moderate-income households) than other similar projects.

(f) *The amount of the leveraging ratio.* In selecting projects to stimulate economic recovery for funding, HUD will consider whether the amount of private leverage to be generated by a given project is greater than that of other projects. In other words, the higher the leveraging ratio, the more likely it is that the project will be selected for preliminary approval. Recapture of Action Grant funds for a second use increases the private leverage thereby making a project more competitive.

(g) *The impact of the proposed project on the fiscal base of the community.* The fiscal impact of the proposed project will be measured by the annualized increase in real estate and other taxes such as corporate, sales or income taxes accruing to the applicant's jurisdiction which the applicant will receive due to the proposed project. In selecting projects for funding, HUD will consider whether a given project will generate a greater amount of net new annual tax revenues in relationship to the requested action grant amount than other projects. A project generating a \$500,000 annual increase in property taxes for a million dollar action grant investment will fare better on this factor than a project generating a \$100,000 increase in property taxes plus a \$50,000 increase in city sales tax for a \$2 million

action grant investment. The respective ratios will be 50 cents per action grant dollar compared to 7.5 cents per action grant dollar. In addition, other revenues which the applicant will receive will be considered.

(h) *The impact of the proposed project on the physical condition of the community.* (1) HUD will assess the impact of each project in relation to other uses within the applicant's jurisdiction.

(2) HUD will also consider whether or not the private developments in a given proposal include, where possible, a minimum one percent of total development costs for expenditures on the arts, such as sculptures, murals, etc.

(3) The physical impact of the project will be measured by comparing the present physical development of the project area and other areas with the future improvements proposed in the action grant project. For example, if the project is to make those public improvements necessary to attract private industry to the site, then HUD will review the project in terms of the current land use and the potential created by the location of the particular industry at this particular site. HUD will also review the proposal to ascertain that other necessary services are available to support the project. Applicants are expected to consider the quality of the design of the project.

(i) *The impact of the proposed project on the economic conditions of the community.* HUD will consider the effect of the project on the economic base of the community by evaluating such factors as the mitigation of the impact of a major military base closing and the degree to which the proposal will assist areas experiencing a loss of businesses, jobs, and population.

(j) *The likelihood of accomplishing the project in a timely fashion within the total resources which will be provided.* HUD will consider such factors as the status of land assembly, zoning, building permits, and preparation of any necessary historic preservation clearances, as well as the applicants administrative and legal capability for accomplishing the project. HUD will also consider the private participating parties' capability of completing the project within the proposed time

schedule. Proposals will be considered to have a lesser degree of feasibility if they involve substantial additional planning, lengthy start-up time, or may be subject to major obstacles due to environmental or legal concerns. HUD expects projects to be completed within a four year period from the date of the announcement of preliminary funding approval.

(k) *The demonstrated performance of the applicant in carrying out housing and community development programs.* Performance shall be evaluated using such considerations as past compliance with HUD regulations and statutory requirements, progress in carrying out programs as planned, and the ability to complete programs in a timely fashion.

(l) *Extent of relocation caused by the project.* (1) Projects which will cause minimal involuntary displacement and disruption of occupants and jobs will be considered more favorably than those involving a substantial amount of involuntary displacement and disruption.

(2) If the project includes activities which generate relocation, HUD will consider how the applicant's relocation plans and processes, including any proposed relocation advisory services, are to operate and whether they provide the opportunity for those displaced to relocate outside areas of low-income or minority concentration.

(3) A project which involves the relocation of industrial and commercial facilities within the applicant's jurisdiction will be reviewed to determine the impact of the relocation on low- and moderate-income and minority persons.

(4) The extent to which displaced businesses and low- and moderate-income residents and minorities will be given the opportunity to relocate to the project area upon completion will be considered.

(m) *Extent of minority business participation.* HUD will more favorably consider projects in which minorities are participants in the project. For example, they may be prime or subcontractors during development, major suppliers of construction goods, or equity investors, or they may participate in the project through leasing,

ownership, or rehabilitation of property, on-going vendors and suppliers of goods and services, or as private participating parties.

(n) *Extent of assistance to be made available by the State.* HUD will consider the extent of assistance to be provided by the State in the project either through funding for activities included in the project or special economic incentives that were of assistance in stimulating private investment in the project.

(o) *Extent of assistance to be made available by the applicant.* HUD will consider the extent to which the applicant will provide funding for activities included in the project either from its own funds or funding available to it from the State or other Federal sources. HUD also will consider other special economic incentives being provided by the applicant to stimulate private investment in the project.

(p) *The impact of the proposed project in increasing energy efficiency or conserving scarce fuels.* HUD will consider more favorably those projects which will increase energy efficiency or conserve scarce fuels (measured in barrels of crude oil saved or the equivalent).

(q) *Secretary's determination that the project requires action grant funds.* Preliminary funding approvals will only be made if the Secretary determines:

(1) Based on the assurances made by the chief executive officer of the applicant that the action grant funds will not substitute for local funds § 570.458(12)(iii);

(2) That in his/her opinion, the private development would not occur unless the public funding becomes available pursuant to § 570.458(12)(iii);

(3) That the statements made by the private participating parties, that but for the receipt of the public funds requested, this project would not be built;

(4) That the grant amount requested is the least amount necessary; are satisfactory.

- Sec.
 135.125 Implementing procedures and instructions.
 135.130 Labor standards.
 135.135 Sanctions.
 135.140 Effective date.

AUTHORITY: Sec. 3, of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

SOURCE: 38 FR 29221, Oct. 23, 1973, unless otherwise noted.

Subpart A—General

§ 135.1 Purpose and scope of part.

(a) (1) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. That section requires that:

(2) In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall:

(i) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

(ii) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

(b) In the development of these regulations the Secretary has consulted with the Secretary of Labor and the Administrator of the Small Business

Administration and mutual agreement has been reached with respect to the coordination of employment and training efforts and contracts awards under these regulations by the Department of Housing and Urban Development, the Department of Labor, and the Small Business Administration.

(c) The regulations as set forth in this part, particularly Subparts C and D of this part, shall serve to define "to the greatest extent feasible" as that term is applied in section 3 of the Housing and Urban Development Act of 1968.

(d) The Secretary will issue such further regulations in connection with his responsibilities under section 3 of the Housing and Urban Development Act of 1968, as he finds appropriate and may, as needed, amplify any regulations issued pursuant to section 3, through guidelines, handbooks, circulars, or other means.

§ 135.5 Definitions.

As used in this part:

(a) "Applicant" means any entity seeking assistance for a project including, but not limited to mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders, or property managers.

(b) "Business concerns located within the section 3 covered project area" means those individuals or firms located within the relevant section 3 covered project area as determined pursuant to § 135.15, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size standards of the Small Business Administration.

(c) "Business concerns owned in substantial part by persons residing in the section 3 covered project area" means those business concerns which are 51 percent or more owned by persons residing within the relevant section 3 covered project as determined pursuant to § 135.15, owned by persons considered by the Small Business Administration to be socially or economically disadvantaged, listed on the Department's registry of eligible business concerns, and which qualify as small under the small business size stand-

ards of the Small Business Administration.

(d) "Contracting party" means any entity which contracts with a contractor for the performance of work in connection with a section 3 covered project.

(e) "Contractor" means any entity which performs work in connection with a section 3 covered project.

(f) "Department" means the Department of Housing and Urban Development.

(g) "Lower income resident of the area" means any individual who resides within the area of a section 3 covered project and whose family income does not exceed 90 percent of the median income in the Standard Metropolitan Statistical Area (or the county if not within an SMSA) in which the section 3 covered project is located.

(h) "Political jurisdiction" means a politically organized community with a governing body having general governmental powers.

(i) "Recipient" means any entity who received assistance for a project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders or property managers.

(j) "Secretary" means the Secretary of Housing and Urban Development.

(k) "Section 3" means section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u.

(l) "Section 3 clause" means the contract provisions set forth in § 135.20(b).

(m) "Section 3 covered project" means any nonexempt project assisted by any program administered by the Secretary in which loans, grants, subsidies, or other financial assistance are provided in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development (except where the financial assistance available under such program is solely in the form of insurance or guaranty). Projects, contracts, and subcontracts, connected with programs administered by the Secretary under sections 235 and 236 of the National Housing Act, as well as any Public Housing program and which do not exceed \$500,000 in

estimated cost are exempted from the requirements of this part, as is any subcontract of \$50,000 or under on such projects or contracts in excess of \$500,000.

(n) "Subcontractor" means any entity (other than a person who is an employee of the contractor) which has agreed or arranged with a contractor to undertake a portion of the contractor's obligation or the performance of work in connection with a section 3 covered project.

§ 135.10 Delegation to Assistant Secretary for Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary referred to in this part are delegated to the Assistant Secretary for Equal Opportunity. The Assistant Secretary is further authorized to redelegate functions and responsibilities delegated in this section to employees of the Department: *Provided however*, That the authority to issue rules and regulations under § 135.1(d) may not be re-delegated.

[39 FR 29594, Aug. 16, 1974]

§ 135.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined as follows:

(1) The boundaries of a section 3 covered project located:

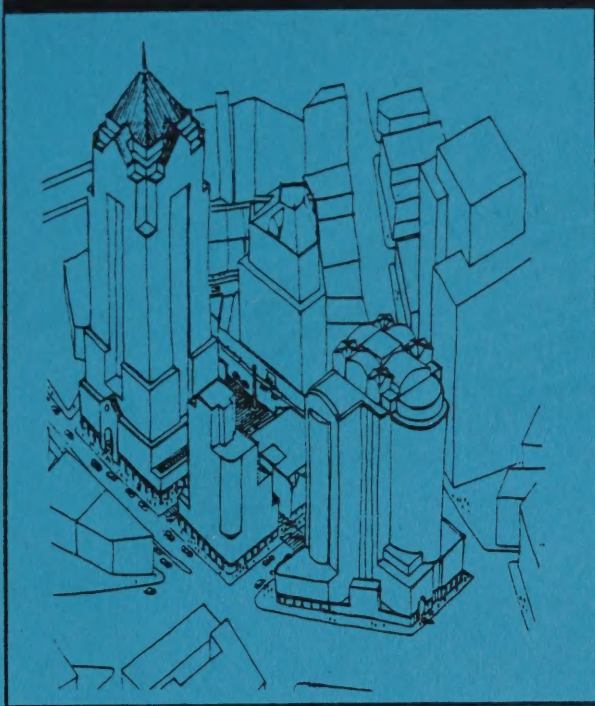
(i) Within a geographic area designated as an urban renewal area pursuant to the provisions of title I of the Housing Act of 1949, 42 U.S.C. 1450; or

(ii) Within a geographic area designated as Model Cities areas or Metropolitan Development Plan areas pursuant to the provisions of title I of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301; or

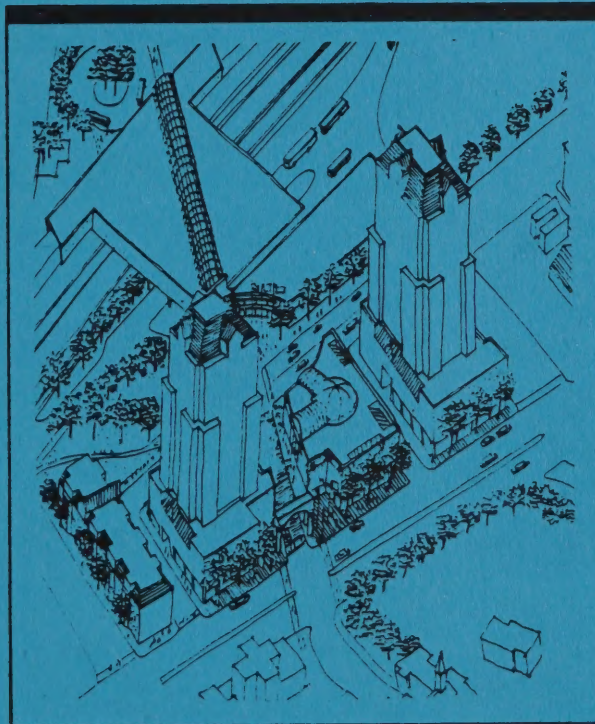
(iii) Within a geographic area designated as an Indian reservation (to include all territory within reservation boundaries including fee patented roads, waters, bridges and lands used for agency purposes),

shall be coextensive with the boundaries of that geographic area.

(2) The boundaries of a section 3 covered project not located within a



PARCEL TO PARCEL LINKAGE PROGRAM



Requests for
Qualifications from
Minority Developers &
Minority Business
Enterprises

PROJECT 1

KINGSTON- BEDFORD/ESSEX & PARCEL 18

Commonwealth of Massachusetts □ Michael S. Dukakis, Governor
City of Boston □ Raymond L. Flynn, Mayor
Massachusetts Bay Transit Authority □ James F. O'Leary, General Manager
Boston Redevelopment Authority □ Stephen Coyle, Director

REQUEST FOR QUALIFICATIONS

from

MINORITY DEVELOPERS

and

MINORITY BUSINESS ENTERPRISES

for

THE KINGSTON-BEDFORD/ESSEX STREET/PARCEL 18

PARCEL TO PARCEL LINKAGE PROJECT I

Issued by

Boston Redevelopment Authority

Robert L. Farrell, Chairman

Joseph J. Walsh, Vice-Chairman

James K. Flaherty, Treasurer

Clarence J. Jones, Vice-Treasurer

Michael F. Donlan, Member

Kane Simonian, Secretary

Stephen Coyle, Director

as development agent for

City of Boston

Raymond L. Flynn, Mayor

Commonwealth of Massachusetts

Michael S. Dukakis, Governor

Massachusetts Bay Transportation Authority

James F. O'Leary, General Manager

October, 1986

INTRODUCTION

This Request for Qualifications ("RFQ") solicits interest from minority developers and minority business enterprises in participating in the first parcel to parcel linkage project in the City of Boston. This RFQ is being issued by the Boston Redevelopment Authority as development agent for the City of Boston, the Commonwealth of Massachusetts and the Massachusetts Bay Transportation Authority.

The first parcel to parcel linkage project will link development of the Kingston-Bedford and Essex Street parcels in Downtown Boston and Parcel 18 in Roxbury. The competition for this first project will be a two step process: first, qualification and selection of a minority partnership, including required economic participation by an established community based organization; later, selection of a development team in which the minority partner will own and control at least 30% of the project. This RFQ is limited to the solicitation of qualifications to select the minority partner. In addition, the RFQ solicits participation in a comprehensive listing of Minority Business Enterprises ("MBEs") qualified to participate in various aspects of this project (development, construction and operation/maintenance). The MBE listing will be made available at all stages where developers and general contractors will retain Minority Business Enterprises.

Development teams may express interest in developing the entire project (both sites); either site; or any component of the project (the housing component, the retail space, etc.). The process is designed to allow maximum opportunity for participation by community based development groups, whether nonprofit organizations or private development teams.

This document represents the first step in the two step process. An RFP will be issued as a second step to select the majority partner. The RFP will solicit final development proposals that will be judged on the extent to which they provide investment opportunities and decision-making roles to minority partners, including community based organizations, and on the extent to which these minority partners are widely drawn from the non-White populations of the two project communities, Roxbury and Chinatown.

SECTION I

THE PARCEL TO PARCEL LINKAGE PROGRAM

THE PARCEL TO PARCEL LINKAGE PROGRAM

The concept of parcel to parcel linkage was devised in response to the growing disparity between economic growth in Boston's downtown, and poverty and economic stagnation in some of Boston's neighborhoods. Parcel to parcel linkage is a land disposition policy that makes the critical connection between economic growth and community needs and values by harnessing the economic vitality of downtown Boston to create growth opportunities in Boston's neighborhoods. Under the parcel to parcel linkage program, the disposition of publicly owned downtown parcels will be linked to the disposition of publicly owned parcels in the neighborhoods. The program requires the economic participation of local community development organizations, minority businesses and developers, and the neighborhoods' residents themselves. The intent is to create opportunities for those who have thus far been excluded from Boston's development economy and to create new, vibrant neighborhood economies. Development proposals and teams will be judged on their ability to meet the goals and objectives of this program.

Goal of Parcel to Parcel Linkage: Building A Neighborhood Economy

The goal of the first parcel to parcel linkage project is to rebuild the economy of Roxbury and to strengthen and enlarge the unique existing economy in Chinatown. Specific program objectives to accomplish this include:

- o a minimum 30% minority developer participation in project equity, with a portion of this 30% guaranteed for established community organizations
- o a minimum 30% MBE participation in construction contracts and professional and technical services budgets
- o creation of a substantial number of units of affordable housing in Chinatown and Roxbury

- o establishment of a mechanism to fund community development activities and services
- o creation of employment opportunities for Roxbury and Chinatown residents with, where appropriate, employment and language training
- o assurance of appropriately scaled and attractively designed additions to the city's unique urban design environment
- o continuous and effective community review of and participation in all aspects of the developer selection and environmental review processes.

For Roxbury, the major office, retail, residential and community facility development on Parcel 18 could act as the anchor for a new service-oriented neighborhood economy. By raising living standards of residents through creation of new jobs and housing, expanding the existing local economy, and creating a new vital local market, Roxbury can once again become a strong local economy, a thriving neighborhood, and a cultural center of Boston.

For Chinatown, the development of office and retail space and a hotel complex at the nearby downtown Kingston-Bedford/Essex Street could not only strengthen the existing economy, but also allow Chinatown residents to build beyond traditional economic limits with regard to jobs diversity and occupational mobility. These projects could provide opportunities for neighborhood business expansion and access to jobs otherwise unattainable.

Program Objectives:

In order to meet the goals of the program, seven critical program objectives for parcel to parcel linkage must be addressed by competing teams. These are described below.

Objective One: The Creation of Minority Equity for Minority Developers and Community Service or Development Corporations.

Boston's economic resurgence has attracted investment by long-standing Boston area firms and major firms from around the country and around the

world. Yet, there is no record of significant minority involvement in the ownership, management, design or operation of downtown buildings. A major objective of the parcel to parcel linkage program is to use publicly-owned property to extend the opportunity for participation in major real estate development to Boston's minority communities.

The program requires a minimum of 30% ownership and control of the linked Kingston-Bedford/Essex Street and Parcel 18 projects by a community based minority development team. Priority in selection will be given to teams that draw from the Asian, Hispanic, Black, Native American and other non-White communities of Roxbury and Chinatown. The minority partner will play a significant decision-making role in the projects that would allow the individual developers to build the development capacity to conduct major commercial developments on a local or national basis in the future.

In addition, a portion of this 30% must be vested in established community service or development organizations with a record of delivery of services to the Chinatown and Roxbury communities.

The RFQ process will select a development team or teams from the minority community based in large part on the team's commitment to providing community benefits. Unsuccessful applicants in this phase of the selection process are not disqualified from participation in other aspects of the project.

Objective Two: The Provision of Opportunities for Minority Business Enterprises

Historic barriers have prevented participation by minority businesses in the expanding economy and have limited their ability to develop capacity to engage in major development activity.

A major objective of the parcel to parcel linkage program is thus to provide opportunities for local minority businesses to participate in the wide range of economic activities related to major commercial projects. This participation will yield direct economic benefits to MBEs as well as opportunities for experience and increased business capacity.

To accomplish this objective, a minimum requirement of 30% MBE participation has been established for all project construction contracts and for professional and technical services budgets related to these projects. To assist in achieving maximum MBE participation, this RFQ also invites participation in the compilation of a Minority Business Enterprise Clearinghouse listing. The listing will be made available to prospective developers of the Kingston-Bedford/Essex Street and Parcel 18 projects to help them meet the 30% MBE goal. It will also be given to developers of other projects to encourage their use of MBEs.

Applicants submitting qualifications for the minority partnership may also register with the Clearinghouse if they otherwise meet the MBE Qualification criteria. However, successful applicants for the minority development team are disqualified from participating as MBEs on this project.

Objective Three: Increasing the Supply of Affordable Housing

There is an undeniable need to add to the city's supply of affordable housing. The parcel to parcel linkage program has potential to make a significant contribution to the supply of affordable housing.

It is proposed that the City of Boston and the Commonwealth of Massachusetts together create a multi-million dollar fund for housing in Chinatown and Roxbury. This amount could come from several sources, including linkage payments from Parcel 18 and Kingston-Bedford and Essex

Street; linkage payments from other downtown projects; proceeds of the sale of public property; and state housing assistance for below market rate permanent financing for housing projects. After review with community organizations, available housing sites in each neighborhood can be added to the program.

Objective Four: Funding Community Development

Another major objective of the parcel to parcel linkage program is to create a reliable, ongoing source of funds to support community development. These funds would help to offset the serious loss to the city of federal funds for community development, housing, job training, health care, and revenue sharing - a loss of \$15-30 million in FY86 and \$50-70 million in FY87.

As part of the parcel to parcel linkage program, a mechanism for funding ongoing Neighborhood Services could be established from certain project revenues. Teams should address this objective by proposing ways to enable the community, through community-based organizations, to participate in the equity benefits of the project. The goal is to provide flexible funding for community development activities and services. These could include neighborhood commercial revitalization, creation of affordable housing and provision of venture capital for neighborhood businesses. A potential use for these funds, as suggested in the community process, could be to assist neighborhood businesses in making successful relocations to within the Kingston-Bedford/Essex Street commercial development.

The primary recipients of the funds could be community development corporations and community-based organizations providing services to residents of the impacted neighborhoods.

Objective Five: Increasing Employment and Employment Training of City Residents

A key objective of the parcel to parcel linkage program is to create new jobs for Boston residents, most particularly for minority residents of Roxbury and Chinatown. The goal is to create challenging jobs with adequate wages and good working conditions, and to ensure that, where necessary, residents of the impacted communities receive training to allow them to compete for these jobs.

Three mechanisms are in place in the public sector to achieve substantial construction and permanent employment and employment training. These are the Boston Residents Job Policy, as extended to private development through the Mayor's Executive Ordinance; negotiated agreements for permanent jobs for each project; and the Job Training Linkage Fund.

The Job Policy applies to construction jobs and requires that, of the total employee hours in each trade, at least 50% be filled by Boston residents, 25% by minorities and 10% by women. For permanent jobs, which are not covered by the Jobs Policy, the required percentage of jobs is negotiated for each project: developers are required to make best faith efforts to attain 50% Boston resident employment, 30% minority employment and 50% employment of women (the percentages are based on underemployment and labor statistics).

Job training or retraining (as well as language training for non-English speaking residents) can be provided to Chinatown and Roxbury residents through job linkage funds from the Parcel 18 and Kingston-Bedford projects. The job training linkage fund is created by developer contributions of \$1 per square foot (over and above the \$5 per square foot housing contribution) in commercial developments of over 100,000 square feet. These funds could be as much as \$2 million, or more if matched by the state or the private sector.

Proposals must include plans to accomplish the employment goals using the three mechanisms outlined above as well as others. The successful development team will demonstrate a commitment to providing maximum community benefits in the form of employment opportunities, job and language training where necessary, and auxiliary benefits such as child care. Applicants will be evaluated on their track records on minority hiring as well as their proposals for meeting these employment goals.

Objective Six: Creating Appropriate Urban Design of the Projects

The proposed developments at Kingston-Bedford/Essex Street and Parcel 18 must help to create new urban environments on the edge of Chinatown and in Roxbury. As additions to Boston's unique urban design environment, each project must carefully address its context and the contribution it makes to the neighborhood's and city's urban form. In order to achieve a balance between the potential economic benefits and the potential environmental impacts of each of these projects, project design will be given serious weight.

On Parcel 18, the following height and mass alternatives are being considered as the range of commercial/office development options for the site:

<u>Height</u>	<u>Gross Square Footage</u>
125 feet	500,000 GSF
180 feet	700,000 GSF
225 feet	860,000 GSF

On Kingston-Bedford/Essex Street, the alternatives under consideration for commercial/office development are:

<u>Height</u>	<u>Gross Square Footage</u>
250 feet	450,000 GSF
325 feet	575,000 GSF
400 feet	700,000 GSF

These alternatives and their impacts as well as the approximately volume of residential and non-office commercial uses, will be examined carefully in the environmental review and the community review process. Those alternatives should be identified which can make a meaningful contribution to the neighborhood and the city, both aesthetically and economically. After these reviews are completed, initial design and development guidelines will be adjusted to reflect the recommended alternative(s). These guidelines will direct the design of the proposals submitted by development teams.

In addition to community review, all development proposals will be subject to review by the newly formed Boston Civic Design Commission.

Objective Seven: Community Review and Participation

The development of the Kingston-Bedford/Essex Street and Parcel 18 projects could have significant impact on Roxbury and Chinatown neighborhoods adjacent to the development parcels. Important choices about scale and density, the form and distribution of benefits, and the selection of developers will have to be made. There must also be a careful review and evaluation of proposals to guarantee that benefits are maximized and impacts on area businesses and residents are minimized. As a critical element of this review, the BRA has assumed responsibility for conducting the Environmental Review Process. After discussion with community representatives, an Environmental Review Form (ENF) covering each site was submitted to the Massachusetts Environmental Protection Agency (MEPA) in June 1986. At the BRA's request, scoping sessions were held in the Roxbury and Chinatown communities on August 5 and July 28, respectively. In order to assure that the results of the scoping process fully inform the development process, no decision on the selection of the minority team will be made prior to the completion of the

scoping sessions and the comment process. Community comment will be incorporated into the Final Environmental Impact Report (FEIR) for the project. The resolution of significant issues arising in the environmental scoping will be a condition precedent to beginning Phase II, the selection of the majority partner through the solicitation of proposals (RFP).

Participation from the Roxbury and Chinatown neighborhoods is crucial in order to make these choices and conduct the necessary review and comment including the environmental process.

The Parcel 18+ Task Force in Roxbury and the Chinatown Neighborhood Council have been designated as the recognized community advisory groups for Parcel 18 and Kingston-Bedford, respectively. These community advisory groups will have an opportunity to affect the two projects by helping to establish the scope for the draft environmental impact report (DEIR) and by reviewing and commenting on the project options and on the DEIR for the final report. They will lead their neighborhoods in participating in and reviewing the numerous steps of the developer selection and environmental review processes. Recognizing the importance of the informed and consistent participation of these groups, the BRA has provided funding for staff and consultant services in the amount of \$50,000 for each group.

ADDITIONAL REQUIREMENTS

General Requirements

The following are the additional requirements for the Minority Development Partner. The requirements are listed in the order in which they should be completed. The requirements are listed in the order in which they should be completed.

SECTION II

MINORITY DEVELOPMENT PARTNER

QUALIFICATIONS SUBMISSIONS

The following are the additional requirements for the Minority Development Partner. The requirements are listed in the order in which they should be completed. The requirements are listed in the order in which they should be completed.

General Requirements

The following are the additional requirements for the Minority Development Partner. The requirements are listed in the order in which they should be completed. The requirements are listed in the order in which they should be completed.

MINORITY DEVELOPMENT PARTNER

QUALIFICATIONS SUBMISSIONS

SUBMISSION REQUIREMENTS

1. General Submission Requirements

The following are the submission requirements and review criteria for the minority development team competition. All financial information requested with respect to individual team members shall be held confidential:

a. Application Processing Fee

A certified or cashier's check for \$2,000 drawn to the order of or assigned to the Boston Redevelopment Authority must be submitted along with the development team's qualifications materials. Full refund will be made to unsuccessful applicants.

b. Letter of Interest

Each submission shall be accompanied by a Letter of Interest listing the development team members, including a chief contact person. The letter should summarize briefly the team's qualifications and past experience relevant to the proposed development, and indicate the team's willingness to participate in the preparation of full development proposals if selected, and to proceed expeditiously with all aspects of the development if designated as the preferred minority development team.

The Letter of Interest should also describe the functional, corporate or other legal relationships among the members of the development team in carrying out the development.

c. Requests for Information

In addition to submitting their qualifications for consideration in the first stage of selection, teams may include comments, questions, or requests for clarification regarding any aspect of the projects, the selection process, etc.

d. Copies and Submission Date

Five copies of all materials should be submitted to:

Stephen Coyle, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Materials must be received by 5:00 P.M. December 15, 1986.

e. Additional Information

Following initial review of the submissions, additional or clarifying information may be required from competing teams in order to allow full evaluation of each team.

2. Minority Developer Qualifications

a. Submission Requirements

(1) With respect to its composition, background and qualifications, each team shall submit:

- o Team Composition. A statement and table on the composition of the development team. The statement should name all members, including community organizations. It should indicate the minority group identity of each individual. The statement should also indicate which members of the team reside in, are located in or do business in Boston.

The statement should set out the anticipated relationship of the members of the team. In particular, it must include the ownership share and decision-making responsibilities.

The team must also state either the percentage of its interest or the method of participation that would be provided for community-based organizations or ventures.

- o Team Experience. A statement of previous development experience must also be submitted. Such statement should indicate all projects in which the persons having a financial interest in the project have participated as general partners or equivalent. The statement should indicate for all projects their location, size, ownership type and development cost. It should also describe the construction and permanent financing arrangements for each project, showing the nature and extent of the participation of financial and lending institutions and of the developer. In particular, the developer's current equity interest in each project should be indicated. Where applicable, the statement should indicate the architect, engineer and other consultants used on each project. With respect to all projects listed, the statement must disclose and explain:
 - (a) Current financial default of more than 90 days duration
 - (b) Mortgage assignment or workout arrangement
 - (c) Foreclosure
 - (d) Litigation relating to financing or construction of the project which is pending or which was adjusted with a finding of liability against the developer.
 - (e) Real Estate Tax Delinquencies
- o Disclosure Statement. A Personal Financial Disclosure statement must be submitted for each person who will have a financial interest in the proposed development team. This statement shall be substantially equivalent to FHA Form 2417.
- o Financial Statement. The development team must submit a financial statement prepared by a Certified Public Accountant. The statement should show assets, liabilities, and net worth of the development entity, and should include information on all general partners or principal shareholders.
- o MBE Record. Submissions should indicate the record of the team members in including Minority Business Enterprises in past projects. This information should be expressed in terms of percentages of total project costs and/or of operating and management budgets. The names of participating MBEs should be given, as well as the names of the projects in which they participated, and the field of participation (construction, legal, architectural, etc.).

(2) Program Goals: Each team should also respond to the goals of the parcel to parcel linkage program in its submission. It should indicate the strategies for addressing these goals that the team plans to bring to the eventual development proposal. In particular, it should indicate the team's qualifications and its approach to the following objectives of the parcel to parcel program:

- o Funding community development. Submissions should contain the team's recommendations on how the developments can best fund the community development needs of their communities. Based on their experience, they should contribute ideas on the form of funding from the completed development which would be most advantageous to these communities, and how this funding can best address the communities' needs.
- o Employment and employment training. Submissions should indicate the record of the team members in employing minorities and Minority Business Enterprises in past projects. The latter information should be expressed in terms of percentage of total development costs, or of operating and management budgets. The submission should include the names of MBEs used, the projects worked on, and the area of participation of the MBE (construction, legal, etc.).

Submissions should also indicate strategies for providing maximum community benefits, including but not limited to:

- a. Identifying residents for employment in construction and permanent jobs
- b. Creating job training programs
- c. Providing day care facilities
- o Building the capacity of Minority Business Enterprises. Responding teams should indicate the strategies which they feel, based on their experience, would maximize the opportunities for MBE participation and capacity building during the design, construction, and operation of the developments. They should also provide fruitful ideas for leasing programs that would provide for MBE participation.
- o Urban Design. Development teams should set forth design concepts aimed at assuring the two projects are assets to their communities. In particular, submissions should provide concepts for appropriate uses, for suitable community retail space, for bringing vitality to the sites, and for protecting the character of neighborhoods.

- o Community Participation. Community participation is a requirement of the parcel to parcel linkage project. Submissions should contain a description of the nature and extent of community participation in past projects carried out by team members. In particular, the involvement of local Community Development Corporations, Neighborhood Advisory Committees and other forms of local involvement should be noted.

The submissions should then propose how the team will work with and involve the Parcel 18+ Task Force, the Chinatown Neighborhood Council, and other community representatives and abutters in the design, construction and operation of the projects.

QUALIFICATION CRITERIA

Threshold Requirements

In order to be considered, the Minority Development Team must meet certain qualification thresholds:

a. Equity Requirement

The team must demonstrate that it can meet the minimum start-up equity requirement.

b. Current Projects

All projects undertaken by team members must be current, not more than 90 days overdue; and all taxes due to the city must be current (not more than 90 days overdue), or have appellate tax procedures in process.

c. Litigation

In any litigation, no principal may have been found liable for financial irregularities relating to the project or for construction defects totalling more than 5 percent of the total development cost of the project.

d. Legal History

As part of its policy to assure stable investment in communities, the Authority will submit the names of all persons having a financial interest in the project to the City of Boston Arson Commission, the Collector/Treasurer's Office, and the Tax Title Division of the City Law Department.

Competing teams will be evaluated on the extent to which they meet the goals and objectives of the qualification process. The following criteria will be applied in evaluating the submission:

a. Team Composition

Priority will be given to teams that draw from the Asian, Black, Hispanic, Native American and other non-white communities of Roxbury and Chinatown. The degree to which teams draw from these ethnic groups and have carried out projects in these communities will be considered. The team must also include in their partnership the participation of established community based groups.

b. Capacity

The Team must demonstrate its capacity to participate in projects of the magnitude contemplated here. In evaluating teams against this criteria, consideration will be given to the extent to which the team members have had experience with significant commercial or housing projects or demonstrate the necessary skills, background or related experience to complete such projects.

c. Financial Commitment

Teams will be judged on the extent to which they command the financial resources to maintain at least a 30 percent ownership position in the project. In making its assessment, consideration will be given to amount of equity the Team can commit to the project, as well as the record of its members in sustaining a strong relationship with financial institutions on past projects.

d. Program Goals

The qualifications of the team will be evaluated in the context of responding to the values and needs of the impacted communities. Judgments will be made on the history of team members in addressing each of the objectives of the linkage programs, as well as their ability to address these objectives in this development, as evidenced by their responses to the program goals set out above.

SECTION III

MINORITY BUSINESS ENTERPRISE

CLEARINGHOUSE QUALIFICATIONS SUBMISSIONS

MINORITY BUSINESS ENTERPRISE CLEARINGHOUSE

QUALIFICATIONS SUBMISSIONS

CLEARINGHOUSE CRITERIA

The Authority and/or its consultant will solicit widely for MBEs wishing to participate in this Clearinghouse program. When letters of interest and qualification submissions are received each firm will be contacted. Submissions will be reviewed separately by the Authority and its consultant and together with each firm to insure that firms meet the following criteria:

1. Each MBE must be SOMBA certified.
2. MBEs must demonstrate successful fulfillment of contracts undertaken in the past and the capacity to undertake future contracts.
3. No MBE may have been found liable for financial irregularities relating to a project or for construction defects totalling more than 5 percent of the total development of the project.

Applicants for selection as the minority partner may also register as MBEs provided they satisfy the above criteria. However, members of the successful development team may not participate as MBEs in this project.

SUBMISSION REQUIREMENTS

1. General Submission Requirements

The following section sets out the proposed submission requirements for the MBE Clearinghouse:

a. Letter of Interest

Each submission shall be accompanied by a Letter of Interest listing the firm's members. The letter should summarize briefly the team's qualifications and past experience that is relevant to participation in the proposed development. This letter must also indicate the firm's willingness to participate in contract bid procedures or negotiations as normally required.

b. Requests for Information

In addition to submitting their qualifications for consideration, firms may include comments, questions, or requests for clarification regarding the Clearinghouse process.

c. Copies and Submission Dates

Five copies of all materials should be submitted to:

Stephen Coyle, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Materials must be received by 5:00 P.M., December 15, 1986.

d. Additional Information

Following initial review of the submissions, the team will be required to submit additional clarifying information and a notarized statement that at the time of the bid or contract negotiations the firm's status has not changed.

e. SOMBA Certification

MBEs who submit qualifications for inclusion in the Authority's Clearinghouse must either be SOMBA certified or must submit an applica-

tion to SOMBA for certification concurrently with their Clearinghouse submissions to the Authority. Although the SOMBA certification and the Clearinghouse prequalifications processes may occur simultaneously, no MBE will be added to the Clearinghouse listing unless and until they have received SOMBA certification.

2. Submission Requirements

Each qualified MBE (or applicant for SOMBA certification) wishing to be added to the Clearinghouse must submit the following information:

- a. The name by which the organization is known.
- b. How many years the organization has been in business under its present business name.
- c. All other names by which the organization has been known and the length of time known by each name.
- d. A copy of the firm's SOMBA certification letter, and a notarized affidavit certifying that since the date of SOMBA certification, said certification has not been revoked nor has it expired nor has there been any change in the minority status of the firm.
- e. If a Corporation, a copy of Articles of Organization as filed with the Secretary of the Commonwealth.
- f. If a Partnership, a copy of Declaration of Business as filed with the Secretary of the Commonwealth.
- g. Resumes of all the individual principals in the firm.
- h. Resumes of all supervisory personnel, such as Principals, Project Managers and Superintendents, who will be directly involved with projects on which the firm intends to bid. Indicate the number of years of construction experience, number of years of supervisory capacity and educational background, etc.

- i. If a Construction Firm, sub-trades in which the firm customarily performs.
- j. Average number of field and office employees.
- k. Names, addresses and telephone numbers of at least three firms with whom the organization has regular business dealings.
- l. The highest single project cost for a project completed in the past five years, including start and end dates; name and telephone number of owner or general contractor.
- m. The highest twelve-month volume of contracts completed in the past five years.
- n. If a Construction Firm, all construction projects the organization has in process as of this date. For other firms, a list of all current projects.
- o. If a Construction Firm, a list of pieces of major equipment owned.
- p. If the organization has ever failed to complete a contract, or if any officer or partner of the organization has ever been an officer or partner of another organization that failed to complete a contract, indicate the circumstances leading to the project failure.
- q. Bonding references.
- r. Financial references.
- s. Other information pertinent to determining firm's capacity and capability.

